



## The City of Lee's Summit

### Action Letter

### Planning Commission

Thursday, May 28, 2020

5:00 PM

via Videoconferencing

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Notice is hereby given that the Planning Commission of the City of Lee's Summit will meet in regular session on Thursday, May 28, 2020, at 5:00 pm via videoconference as provided by Section 610.015 of the Revised Statutes of the State of Missouri. Due to the ongoing Covid-19 pandemic, City Hall will be physically closed and therefore, the public is invited to attend by viewing the meeting on the City website at [www.WatchLS.net](http://www.WatchLS.net), and various cable providers (Spectrum channel 2, Google TV channel 143, AT&T U-Verse channel 99 and Comcast channel 7) for those whose cable providers carry the City of Lee's Summit meetings. In the event that the meeting cannot be broadcast via [www.WatchLS.net](http://www.WatchLS.net) and the cable channels noted above, this agenda will be amended to include directions for the public to attend via the Zoom software platform at [www.Zoom.com](http://www.Zoom.com); such amendment will include a specific link to attend the Planning Commission meeting. Additionally, persons wishing to comment on any item of business on the agenda may do so in writing prior to 5:00 pm on May 27, 2020, either by e-mail to: [clerk@cityofls.net](mailto:clerk@cityofls.net), by leaving a voicemail at 816-969-1005 or by leaving written printed comments in the utility payments drop boxes located in the alley behind City Hall or inside the foyer at the north end of City Hall, both located at 220 SE Green Street, Lee's Summit, MO 64063. Written comments submitted by these methods will be presented at the Planning Commission meeting. Persons wishing to speak at a public hearing on this agenda may do so by contacting the City Clerk prior to 5:00 p.m. on May 27, 2020 by e-mail at [clerk@cityofls.net](mailto:clerk@cityofls.net), and they will be provided with instructions regarding how to provide their live testimony via videoconference during the public hearing.

Call to Order

Roll Call

**Present:** 7 - Chairperson Jason Norbury  
Vice Chair Donnie Funk  
Board Member Dana Arth  
Board Member Carla Dial  
Board Member Jake Loveless  
Board Member Jeff Sims  
Board Member Terry Trafton

**Absent:** 2 - Board Member Mark Kitchens  
Board Member John Lovell

Approval of Agenda

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**A motion was made by Vice Chair Funk, seconded by Board Member Dial, that this agenda be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairperson Norbury  
Vice Chair Funk  
Board Member Arth  
Board Member Dial  
Board Member Loveless  
Board Member Sims  
Board Member Trafton

**Aye:** 7 - Chairperson Norbury  
Vice Chair Funk  
Board Member Arth  
Board Member Dial  
Board Member Loveless  
Board Member Sims  
Board Member Trafton

**Absent:** 2 - Board Member Kitchens  
Board Member Lovell

**Absent:** 2 - Board Member Kitchens  
Board Member Lovell

#### Public Comments

**There were no public comments at the meeting.**

#### 1. Approval of Consent Agenda

- A.** [2020-3491](#) Appl. #PL2020-139 - SIGN APPLICATION - Firebirds, 920 NW Pryor Rd; Royal Signs & Graphics, applicant

**A motion was made by Vice Chair Funk, seconded by Board Member Dial, that this application be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairperson Norbury  
Vice Chair Funk  
Board Member Arth  
Board Member Dial  
Board Member Loveless  
Board Member Sims  
Board Member Trafton

**Absent:** 2 - Board Member Kitchens  
Board Member Lovell

- B.** [2020-3492](#) Approval of the May 14, 2020, Planning Commission meeting

**A motion was made by Vice Chair Funk, seconded by Board Member Dial, that the minutes be approved. The motion carried by the following vote:**

**Aye:** 7 - Chairperson Norbury  
Vice Chair Funk  
Board Member Arth  
Board Member Dial  
Board Member Loveless  
Board Member Sims  
Board Member Trafton

**Absent:** 2 - Board Member Kitchens  
Board Member Lovell

## Public Hearings

2. [2020-3489](#) Public Hearing: Appl. #PL2020-069 - Unified Development Ordinance (UDO) Amendment - Changes to Article 6 - Use Standards, to amend the distance separation requirements from a bar/tavern and restaurant, general to a residential use and residential district; Jeremy Kneeland, applicant

Chairperson Norbury reminded everyone present that the meeting was being recorded and run on LS TV and cable channels; so the information in the hearing would be permanently available to the public. All rules and procedures would be as applicable as for a meeting where all participants were physically present. He opened the hearing at 5:12 p.m. and asked each speaker to be sworn in. He asked all who were not speaking to mute their microphone and turn the video off.

Mr. Jeremy Kneeland said that he was looking to open a brewery in the Lee's Summit area along the M-291 corridor. Upon looking at several locations they discovered that they were too close to a residential district as the ordinance was laid out. After talking with staff planners Shannon McGuire and Hector Soto, they put together a request to change the ordinance.

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

Mr. Kent Monter pointed out that the applicant had not entered his name and address into the record. Chairperson Norbury asked Mr. Kneeland to state his name and address for the record. Mr. Jeremy Kneeland gave his address as 1512 NE Whitestone Dr., Lee's Summit, MO 64086.

Chairperson Norbury asked the applicant if he had been sworn in and if he had any concerns about providing testimony via video conference.

Hector Soto asked the planning commissioners to verify that they could see the PowerPoint. It was verified by chairperson Norbury that they could see the PowerPoint presentation. Mr. Soto gave a brief overview of the amendment. The amendment proposes a reduction in separation between residential uses and bars/taverns as well as separation between residential and restaurant general. A restaurant general constitutes any restaurant where alcohol might be served. A bar / tavern is a use permitted by right but with conditions in the CP-2 central business district and CS zoning district. A restaurant general is a use permitted by right with conditions in the CP-2 and CBD and with no conditions if that use is located in CS, PI and AZ zoning districts. Where it is applicable both of the listed uses have the conditions associated with them that require a minimum separation between those uses and any residential use or district. This particular amendment came about as Mr. Kneeland's interest in establishing a micro brewery / tap room along the north M-291 corridor in the city. As it is currently written the bar / tavern requirements have a minimum 300 feet separation from the front door to a school, church, or residential use or district. What is proposed is reducing the minimum separation requirement to 100 feet measured from the front door to the closest residential use or district as measured using the closest legal walking path. As proposed the UDO amendment would still maintain the 300 feet distance recommendation requirement from a school or church. The additional language or qualifier would be that language would be added that speaks to the method of measurement which indicates that it is to be measured using the closest legal walking path. The staff is looking at only reducing the separation requirement from a residential use and keeping the school or church distance requirement in-tact but adding some additional clarification on how to measure that distance. Restaurant general has a separation requirement that is differentiated by whether the restaurant general is an occupant in a stand-alone building or if the restaurant is an in-line

tenant space. In that particular case, as currently written, you would have a minimum 50-foot separation. In both instances the separation requirement is from the building itself. The bar / tavern as it is currently the separation requirement is measured from the front door. So this measures it a little bit differently, just to the building itself. What is being proposed is to reduce the minimum separation from a stand-alone building to the closest residential using the closest legal walking path. We're still looking to maintain the 50 foot separation requirement from an in-line tenant space but we're looking to add the additional qualifier and qualification that the method of measurement is taken using the closest legal walking path. In this particular instance rather than treating the two different uses based on a stand-alone building or in-line tenant space, we are looking to bring them in line so as to provide more uniformity and bring more clarity. An additional piece that is being added for the bar/tavern and restaurant general is in the method of measurement. The way the UDO is currently written it doesn't specify the manner the separation requirement is to be measured so staff's interpretation is just to take that measurement as the crow flies. In the bar / tavern example we would measure from the front door, through the building, whatever the closest line as the crow would fly between it and the closest residential. If that means drawing a line through the building, we would measure it that way. We are looking to provide clarity and clear direction on how that method is to be measured and to mirror the method of measurement that the state has imposed and for which we have adopted for medical marijuana facilities. So that we don't have different standards for different uses throughout the UDO we were looking to bring some uniformity to how that method of measure is defined to keep it consistent between different uses, it will prevent confusion and make it easier for staff to implement and give any perspective applicant a clear understanding of what it is that they must meet in all zoning districts.

An example was given using the Fig Tree location across from Sprouts. This is one of the locations that Mr. Kneeland is looking at. The example provided an idea of how it is currently measured and how it would be measured under the proposed UDO amendment. Various additional examples were given of additional uses as proposed and the impacts of these separation requirements.

Mr. Soto reiterated that the separation requirements for school and churches would not change and asked for questions or discussion.

Following Mr. Soto's comments, Chairperson Norbury asked if there were any comments submitted from the public on this application. Mr. Soto indicated that there were none and he entered into the record Exhibit A, list of exhibits 1-6.

Hearing that there were no public comments, Chairperson Norbury asked if there were any questions from the commission for the staff or applicant.

Mr. Loveless asked for clarification that these are the same UDO requirements that are now in place for medical marijuana. Mr. Soto stated that the only thing that was taken from the UDO for consistency purposes was the language regarding the method of measurement, the closest legal walking path. The separation requirements are different for that use. Mr. Loveless then asked if it would be possible to approve Mr. Kneeland's request as a variance as opposed to a UDO. Mr. Soto indicated that it is possible but that the issue would be that if Mr. Kneeland decided to move two lots to the north that the variance is tied to the property itself, so if Mr. Kneeland were to move to a different location, he would have to go through the variance process all over again for the new property. Staff thought it would be better to look at this throughout the city as opposed to one piece of property. Mr. Loveless asked if there had been other instances where this had been a factor making this a need for a wholesale change. Mr. Soto said that it has not been a factor often but as an example he pointed out the old Applebee's on M-291 south. Applebee's would be considered a restaurant general, right now they could not meet the 100 feet separation requirement from residential. This would not meet the current standard and they would not be able to serve alcohol if applying in this

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location for that type of a use. The re-use properties were being looked at as well as a part of this UDO amendment. Additional examples were provided.

Mr. Josh Johnson pointed out that to further answer Mr. Loveless' question that several locations are currently at a disadvantage throughout the city regarding the current separation rules. Look at the impact the distance requirement has on these businesses and look at the intent of the ordinance and reinforce that intent. As far as medical marijuana there is no buffer requirement in the state code or the city code between those facilities and residential.

Mr. Terry Trafton made a comment similar to Mr. Loveless' comment. He stated that there were no public comments on this matter. If the language is changed to using the closest walking path that the 300 foot distance would be met in the case of the Fig Tree location. He asked if the distance requirement would be met in most of the examples given. Mr. Soto stated that it could probably be met in most of those examples but that in more of the retail centers that are closer to corner streets along 291 the end-cap spaces would not likely meet the requirement. Applebee's on 291 went in prior to the UDO ordinance, It met the conditions in effect at that time, prior to the 2001 UDO requirement. Mr. Trafton then asked if the residents in this corridor were given notification of this potential change. Mr. Soto explained that a legal notice was published but since it impacts the city as a whole, the requirement to notify specific property owners is no longer there. Mr. Trafton expressed concern that individual residents in this area were not notified and that there may not have been sufficient notification for the citizens to have the opportunity to make public comment. Mr. Trafton made the comment that if the UDO requirements were left the same and the method of measurement was changed, that this seems like it would meet the need for most of the locations and that a variance could be requested in the areas such as Applebee's so that the businesses could still operate. He asked if it would be possible to give this applicant a variance so that the Planning Commission could spend some time to get public comments for the UDO.

Ms. Dana Arth asked for clarification on the method of measurement. Hector Soto gave clarification on that method. Ms. Arth was specifically referring to the 50 feet for an inline tenant space. Mr. Soto gave clarification that the staff was looking for uniformity in the proposal. There is a separate component for outdoor patio spaces.

Mr. Donnie Funk asked if there was communication between staff and the building owners to make sure they are aware of the distance requirements for certain uses in their buildings so that they could turn prospective tenants down if they don't meet the requirements for their use. Mr. Soto declined that there had been any type of open house or discussion with the property owners. The separation requirement has not been communicated for educational purposes but staff could look into doing that. Mr. Funk stated that if the building owners are aware they could use that information in attracting tenants for their spaces.

Mr. Johnson added that the age of most of the buildings indicates that they were likely constructed before the UDO was in place, specifically this requirement. In this instance the owner did reach out to the city to find a solution (Fig Tree location at Chipman Place).

Chairperson Norbury asked for thoughts on future development where this might be a concern. Mr. Soto answered that the mixed-use developments don't have this conflict. The trends are more of a town center or large commercial neighborhood style developments. This will impact more of the old commercial retail areas. Chairperson Norbury asked for the differential line between the restaurant general and the bar/tavern. Mr. Soto stated that it is the sale of alcohol in terms of the percentage of your revenue. If you cross the 50% threshold in terms of revenue in alcohol sales, you fall under bar/tavern, less than that is restaurant general.

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

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none, he closed the public hearing at 6:03 p.m. and asked for discussion among the Commission members, or for a motion.

Chairperson Norbury said that there are several things to look at. One is the mode of measurement, the distance itself, and questions about notice to the public.

Regarding the method of measurement, Jake Loveless stated that the uses are not all the same in regards to the impact that they have on their neighbors. A bar/tavern next to a residential neighborhood may have an issue with noise when you look at the method of measurement.

Chairperson Norbury said that he doesn't have a problem with changing the means of measurement in that way for consistency purposes. That brings us to the second question, the distance itself. Ms. Arth agreed with Mr. Loveless regarding the noise. The distance is irrelevant. The definition makes it more consistent and makes it easier but making the change for everyone is difficult. She indicated that this is more of a case by case situation. Chairperson Norbury's concern is that when we combine the switch in method of measurement with the distance requirements, he is concerned with where that falls. Mr. Trafton agrees with the previous comments and is concerned about shortening the distance. He is also concerned about the lack of public comment. Ms. Arth agrees with the lack of public notification. Mr. Funk agrees. Ms. Dial thinks the 291 corridor residents should weigh in. She agrees with the method of measurement but not the change of distance. She would like to see notification to the residents for input. Chairperson Norbury commented that these residents have been dealing with very busy corridors for a very long time. This is part of why we have buffers in place, such as landscape and distance buffers. Mr. Kneeland's use at the former FigTree is not that much of a change in use. He said that it sounds like the Planning Commission is not ready to push this item up to the City Council. He would like to see more detail on the impact of changing the method of measurement and the distance requirements. Also staff should reach out to the residents and properties that would be impacted by this to get input and bring it back. Carla Dial agreed with those terms. Terri Trafton and Donnie Funk also agreed. Donnie Funk brought up the noise issue and asked about complaints related to the noise in an area that is near the business names "Bullseye". He and Chairperson Norbury are unaware of any such complaints.

Chairperson Norbury asked the staff if this application could be continued to a date certain or uncertain or if it should be recommended for denial and sent on to City Council. Hector Soto asked that if the method of measure is made clear but the separation distance of 300 feet is maintained if that would be more acceptable or change any of the commissioners opinions about moving forward. This would allow Mr. Kneeland's proposed application to move forward. This application has been postponed for a few months due to the lack of meetings caused by Covid 19. There is a timeliness issue involved with him signing a lease and would like to move forward as quickly as possible to the City Council. If either change or one or the other makes the commissioners feel comfortable or uncomfortable, Mr. Kneeland would probably rather move forward with the recommendation of denial and have City Council take up this item.

Mr. Loveless shared that it may be better to approach this as a variance for this particular applicant and keep the two separated. This seems like a bigger conversation about the UDO amendment vs. this particular applicant in this particular location. Chairperson Norbury responded that that would require some sort of a different public hearing and application process and would have to essentially start all over. Hector confirmed this.

Chairperson Norbury asked the commissioners what they thought of Mr. Soto's recommendation. Would they give it an approval? Just change the means of measurement but not the distance requirement. Mr. Funk asked if this were approved the way proposed (approve method of measurement but leaving the distance requirement), could it then go

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back to CEDC for further discussion? Hector Soto confirmed that it could then go back to CEDC.

Chairperson Norbury asked if there was any further discussion on that particular question. Hearing none, he asked for a motion.

Mr. Funk made a motion to recommend approval of Application PL2020-069, if the distance requirements stay the same, UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT - Changes to Article 6 - Use Standards, to amend the distance separation requirements from a bar/tavern and restaurant general to a residential use and residential district - to amend the method of measurement and not the distance separation. Mr. Loveless seconded.

Mr. Funk made a motion to recommend approval of the application, if the distance requirements stay the same, for Application PL2020-069, Unified Development Ordinance Amendment - changes to Article 6 - Use standards, to amend the distance separation requirements from a bar/tavern and restaurant, general to a residential use and residential district; Jeremy Kneeland, applicant.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he called for a vote.

A motion was made by Vice Chair Funk, seconded by Board Member Loveless, that this application be recommended for approval as amended to the City Council - Regular Session. The motion carried by the following vote:

**Aye:** 7 - Chairperson Norbury  
Vice Chair Funk  
Board Member Arth  
Board Member Dial  
Board Member Loveless  
Board Member Sims  
Board Member Trafton

**Absent:** 2 - Board Member Kitchens  
Board Member Lovell

a. [BILL NO. 20-102](#) An Ordinance approving Application #PL2020-069 - Unified Development Ordinance (UDO) Amendment changes to Article 6 - Use Standards, to amend the distance separation requirements from a bar/tavern and restaurant-general to a residential use and residential district; Jeremy Kneeland, applicant.

3. [2020-3485](#) Appl. #PL2020-122 - COMPREHENSIVE PLAN AMENDMENT - Capital Improvement Plan (CIP) 2021-2025; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:23 p.m. and asked those wishing to speak, or provide testimony, to turn on their camera and microphone for being sworn in.

Mr. Mike Anderson, Construction Manager, entered into record Exhibit A, list of exhibits 1-7. Mr. Anderson gave a presentation about the Fiscal Year 2021 Capital Improvement Plan (CIP). The CIP is a planning document that outlines the next five years of Capital Infrastructure Projects. It is a list of projects that we as a city, overall, see us constructing over the next five years. Things always change, so this CIP is updated annually. It is a financially constrained document, meaning that we look at all of the revenue and tax sources and anticipate what those revenues will be over the next five years. We estimate the cost of the projects and make sure the cost of the projects is in balance with the revenues. The CIP follows two processes, one through the Planning Commission to amend the comprehensive plan and it also meets our statutory requirements for public hearing. This year we hosted the draft CIP on our web page and social media so that people could look at the draft CIP and give comments

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virtually. We received eleven comments through those means. Those comments will be addressed later in this presentation. The other path that the CIP goes through is City Council approval. The City Council must adopt the CIP by resolution. When that occurs, the first year of the CIP becomes our capital budget. This then becomes a budget document. The total cost of the CIP is just over \$326 million dollars. That is up about \$50 million dollars from the current CIP. The public safety bond that was approved this past year was about \$20 million for two fire stations, a police renovation and our ITS network infrastructure improvements. We also added one large interchange project to the CIP that would be the interchange with 50 Hwy and M-291 north and that was a 21 million dollar project. Where does all this money come from? The primary funding source, at least for the bridge, street, and signal projects is the capital improvement sales tax that was approved by voters originally in 2007 and renewed in 2017. It will sunset in 2032. It was a 15 year extension. Also, general bonds that we go out to voters for every few years. There are a lot of projects in both water and sewer improvements, those are funded primarily by both sewer tap fees and construction fees. Parks and recreation, they have their ¼ cent dedicated sales tax for their projects. We also have a permanent ½ cent transportation sales tax that primarily funds our pavement maintenance programs but also money has been set aside for bridge maintenance, traffic programs, transit programs and also transportation projects that does include airport projects where we get our federal match so that we can secure state and federal grants for the airport. The airport is by far the largest recipient of federal grants. We also have road projects that get federal grants such as Colbern Road & 350 Hwy. TIF and TDD projects come up occasionally. We do have an excise tax that's used to fund projects. A list of significant changes was shown on the presentation. Some projects were in the CIP and are no longer on the CIP. Some renamed projects are included in the CIP. New projects to include some at the airport and bridge, street, and signal projects. Facilities and water utilities and sewer projects.

Public comments were received via the City's webpage and social media. Some of those included comments about the airport, the downtown infrastructure, additional bike lanes, street capacity improvements, curb replacements, upsizing a pump station, storm water projects, and general comments including livable streets and more aesthetics, and gateway entrances to the city.

Action being requested by the Planning Commission is to adopt a resolution adopting the CIP as an amendment to the Comprehensive Plan, as amended, and approving the location, extent and character of all public improvements described in the City of Lee's Summit 2021-2025 Capital Improvement Plan.

Following Mr. Anderson's presentation Chairperson Norbury asked for questions from the commission for Mr. Anderson or another staff member that may be able to answer questions about a specific project.

Mr. Donnie Funk asked if the public comments were addressed to the specific people or in a public forum. Mr. Anderson replied that comments were not responded to unless they were very specific questions. Most were more general comments.

Chairperson Norbury asked if there were any shifts in priority with this CIP. Mr. Anderson commented that there were no major shifts, just minor shifts for letting the funds build to ensure there were adequate funds for projects. It was more about balancing revenues. There are taxes that will be impacted by the Covid 19 but this was all put together long before Covid had hit. The Covid effect will have an impact on next year's CIP.

Chairperson Norbury asked if there were further questions for the Mr. Anderson or the staff. Hearing none, he closed the public hearing at 6:41 p.m. and asked for discussion or a motion.



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Mr. Funk made a motion to direct staff to present a Resolution adopting the Capital Improvement Plan (CIP) 2021-2025 as an Amendment to the City of Lee's Summit Comprehensive Plan, as Amended, and Approving the Location, Extent and Character of all Public Improvements Described in the City of Lee's Summit Capital Improvement Plan 2021-2025. Ms. Dial seconded.

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

A motion was made by Vice Chair Funk, seconded by Board Member Dial, that this Bill No. was recommended for approval. to the City Council - Regular Session The motion carried by the following vote:

**Aye:** 7 - Chairperson Norbury  
Vice Chair Funk  
Board Member Arth  
Board Member Dial  
Board Member Loveless  
Board Member Sims  
Board Member Trafton

**Absent:** 2 - Board Member Kitchens  
Board Member Lovell

4. [2020-3483](#) Public Hearing: Appl. #PL2020-128 - Unified Development Ordinance (UDO) Amendment - Changes to the City Code and the Design and Construction Manual to implement application #PL2019-358 - Unified Development Ordinance (UDO) amendment changes to Article 2 - Applications and Procedures, Article 3 - Permits and Certificates of Occupancy, Article 7 - Subdivisions and Article 15 - Rules of Interpretation and Definitions, to bring process and procedures related to development from the Design and Construction Manual to the UDO and City Code, and update standards and processes for insurance and security related to infrastructure improvements; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 6:44 p.m. and asked those wishing to speak, or provide testimony, to turn on their camera and microphone and be sworn in.

Mr. Josh Johnson began the presentation by describing that the general purpose is to move the processes and procedures related to site development and infrastructure construction into the Unified Development Ordinance. These are procedures that govern the installation of sewer pipe, roads, water, and storm water related to private development. We will get into detail as to why that's beneficial to the city later. Riding parallel to this in another process is some changes to construction standards related to private development and public development. These amendments get into the security that is required for subdivisions. That is basically if a developer wants to put improvements off to later, what kind of security will the city take to make sure that those improvements get done. This is about consistency across our codes. One of the changes involves consistent insurance requirements that we ask people to have when they do work around the city ROW or if there is public dollars. This is the culmination of 2-3 years of staff work involving several departments and public input from contractors, developers, and stakeholders. Concerns raised were among securities required to do work in the city. Other concerns were in regards to standards that they are being held to. The Design and Construction manual really now has two parts. The Legislative parts of the code that deal with processes and permits and they directly cross over into the development world because there are standards in the design and construction manual that say when

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someone can start pulling a building permit with respect to the status of infrastructure construction. You can't erect a building if there is no vehicular access. We can't get a fire truck to it. Those sorts of standards are in the Design and Construction manual. The administrative portions are the specific design criteria, that give specifics such as how wide the road has to be.

Mr. David Bushek is acting as the spokesperson for this project. We are trying to modernize our code with Legislative and Administrative portions. We want to create a cleaner split between those two parts going forward. The goal is to separate the two functions. The legislative parts will be moved to the UDO and the administrative functions stay in the Design and Construction manual. It becomes easier for staff to implement changes and you don't have to go through the city council to deal with essentially all of the details that the engineers are concerned about. We will continue to use the amendment process that is already built into the city code which provides for a relatively short amendment process but we still provide notice to the city council. The process is pretty straight forward, first amending the UDO and the city code to move those legislative functions from the DCM over to the UDO and the city code and second amend the DCM for the items that are left behind to cover only administrative functions and update those. The PC jurisdiction is part of step one, when you make your recommendation to the city council you will be recommending the UDO amendment portion of this which is a portion of part one on this slide. The articles that are affected by the ordinance are Articles 2,3,7, and 15 and this is basically the places that we are moving the items from the DCM over to the UDO and then with a few improvements that we'll cover. A list of items moved to the UDO from the DCM were presented, this is where all of the detailed work came from the staff. One of the things that was moved to the UDO from Article 3 specifically is the flow of these requirements is better. It follows more of the design process in sequence. When an applicant looks to the UDO and looks for these requirements, it flows better with the development process. Additional items are being added to the UDO and were not presented specifically. Additional improvements were presented by Mr. Bushek. These included enhanced security for completion of public improvements, standard insurance and indemnification requirements, payments in lieu of sidewalk construction, and Chapter 22.5 process for DCM amendments. We've prepared one ordinance for the city council which provides all of these things for the city council. We're amending the UDO, we're amending chapter 26 for the insurance and indemnification requirements, we're amending the DCM to extract items that move to the UDO/City Code, and we're amending Chapter 22.5.

Following Mr. Bushek's presentation, Chairperson Norbury asked if any public comments were received on this application. Mr. Bushek replied that a developer forum had been held and several direct questions were asked and answered in that forum. This was a two hour open forum. Mr. Johnson commented that during the forum they had discussions about the changes in pretty thorough detail.

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

Mr. Loveless asked Mr. Bushek when some of the standardizations would be handled. Mr. Bushek replied that the ordinance would go to the City Council on June 9. The day that the city council adopts the ordinance, the requirements will go into place. Mr. Kent Monter added that some of the things were revised specifications as a part of the process. The revisions were presented during the stake holder meetings.

Chairperson Norbury asked if there were further questions for the staff. Hearing none, he closed the public hearing and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2020-128, UNIFIED

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**DEVELOPMENT ORDINANCE (UDO) AMENDMENT – Changes to the City Code and the Design and Construction Manual to implement application #PL2019-358 - Unified Development Ordinance (UDO) amendment changes to Article 2 - Applications and Procedures, Article 3 - Permits and Certificates of Occupancy, Article 7 - Subdivisions and Article 15 - Rules of Interpretation and Definitions, to bring process and procedures related to development from the Design and Construction Manual to the UDO and City Code, and update standards and processes for insurance and security related to infrastructure improvements; City of Lee’s Summit, applicant. Ms. Dial seconded.**

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

**A motion was made by Vice Chair Funk, seconded by Board Member Dial, that this application be recommended for approval to the City Council - Regular Session. The motion carried by the following vote:**

**Aye:** 7 - Chairperson Norbury  
Vice Chair Funk  
Board Member Arth  
Board Member Dial  
Board Member Loveless  
Board Member Sims  
Board Member Trafton

**Absent:** 2 - Board Member Kitchens  
Board Member Lovell

- a. [2020-3507](#) Public Hearing : Appl. #PL2020-128 - Unified Development Ordinance (UDO) amendments to the City Code and the Design and Construction Manual to implement application #PL2019-358 - Unified Development Ordinance (UDO) amendment changes to Article 2 - Applications and Procedures, Article 3 - Permits and Certificates of Occupancy, Article 7 - Subdivisions and Article 15 - Rules of Interpretation and Definitions to bring process and procedures related to development from the Design and Construction Manual to the UDO and City Code, and update standards and processes for insurance and security related to infrastructure improvements; City of Lee’s Summit, applicant.

Other Agenda Items

5. [2020-3486](#) RESOLUTION NO. 2020-01 - Resolution Adopting the Capital Improvement Plan 2021-2025 as an Amendment to the City of Lee's Summit Comprehensive Plan, as Amended, and Approving the Location, Extent and Character of all Public Improvements Described in the City of Lee's Summit Capital Improvement Plan 2021-2025.

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

**A motion was made by Vice Chair Funk, seconded by Board Member Dial, that this Resolution be adopted as presented. The motion carried by the following vote:**

Planning Commission

Action Letter

May 28, 2020

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**Aye:** 7 - Chairperson Norbury  
Vice Chair Funk  
Board Member Arth  
Board Member Dial  
Board Member Loveless  
Board Member Sims  
Board Member Trafton

**Absent:** 2 - Board Member Kitchens  
Board Member Lovell

### Roundtable

**Mr. Bushek had two items for roundtable. First, the length of the ordinance was by design. Staff decided to err on the side of being over inclusive. Second, the next Planning Commission will be held via Zoom meeting. It will be determined after that meeting when the meetings will once again go live.**

### Adjournment

**There being no further business, Chairperson Norbury adjourned the meeting at 7:03 P.M.**

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