



LEE'S SUMMIT

M I S S O U R I

September 23, 2021

To: Planning Commission

From: Josh Johnson, Assistant Director, Development Services

RE: Criteria for Recommendations

The Planning Commission's role is to complete a thorough review of a proposed applications and provide a recommendation to City Council on a variety of land use actions. This memo is to clarify how the Planning Commission can make the most appropriate recommendation to the City Council. Legislative applications constitute the bulk of time spent on applications at the Planning Commission and City Council. The two most common are Rezoning and Preliminary Development Plan applications. The process is meant to improve a project and consider all interested parties. In other words, if a proposal is mostly acceptable, the Planning Commission and City Council have discretion to add conditions to make a project more compatible, mitigate adverse impacts, facilitate adequate public facilities and services to serve the project, or address any concerns related to the Unified Development Ordinance (UDO) criteria.

There are 18 criteria in Section 2.260.B of the UDO for considering legislative zoning actions. The reason for framing questions and discussions around these points is that it develops a better record for land use-based decisions.

The staff letters, prepared by Development Services, summarize responses to these criteria in order to provide the Planning Commission and City Council a foundation for public hearings. [A direct link to this section of the zoning ordinance can be found here.](#) The points in italics below are the criteria from the zoning ordinance and are organized the same way as in the staff letters.

Background and History

- The basics of the project in detail and any history of previous applications.
- Discussions that have taken place between staff and the applicant, such as design.
- *The length of time, if any, the property has remained vacant as zoned.*

Compatibility

- *The character of the neighborhood.*
- *The existing and any proposed zoning and uses of adjacent properties, and the extent to which the proposed use is compatible with the adjacent zoning and uses.*
- *The extent to which the proposed use will negatively affect the aesthetics of the property and neighboring property.*

Adverse Impacts

- *Development is designed, located and proposed to be operated so that the public health, safety and welfare will be protected;*
- *The extent to which the proposed use will seriously injure the appropriate use of, or detrimentally affect, neighboring property.*
- *The gain, if any, to the public health, safety and welfare due to approval of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.*
- *The extent to which the proposed use will create excessive storm water runoff, air pollution, water pollution, noise pollution or other environmental harm.*

Public Services

- *The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.*
- *The extent to which the proposed use facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.*
- *The extent to which the proposed use will adversely affect the capacity or safety of the portions of the street network impacted by the use, or present parking problems in the vicinity of the property.*
- *Development will not impede the normal and orderly development and improvement of the surrounding property; and*
- *Development incorporates adequate ingress and egress and an internal street network that minimizes traffic congestion.*

Unified Development Ordinance

- *The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this chapter.*
- *The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.*
- *The consistency of the proposed use with the permitted uses and the uses subject to conditions in the district in which the proposed rezoning or special use is located.*

Modifications

- A. The development proposed by the preliminary development plan will provide sustainable value to the City,*
- B. Incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent throughout the proposed project,*
- C. Effectively utilize the land upon which the development is proposed, and further the goals, spirit and intent of this chapter.*

Comprehensive Plan

- *The extent to which there is a need for the use in the community.*
- *The conformance of the proposed use to the Comprehensive Plan, the Major Street Plan, the Capital Improvements Plan, and other adopted planning policies.*

You will notice that there are three criteria in the UDO that are missing from the list above. Following are two of the three criteria are not covered as staff does not have the expertise to address them.

- *The extent to which the proposed use will negatively affect the values of the property or neighboring properties.*
- *The economic impact of the proposed use on the community.*

The third criteria is the professional recommendation of staff which is covered by a statement about the project's overall conformance with the Unified Development Ordinance and the oral presentations that occur at public hearings.

In conclusion, staff is providing guidance to enhance the discussion of land use topics during public hearings. The focus of our hearing process should be the substance of the applications and the project's impacts on surrounding properties. Sometimes questions drift into details about the applicant's themselves. Questions about the applicant are only relevant to the extent that they relate to the ability of the applicant to satisfy any requirements applicable to the specific land use. After the public hearing process has concluded, the applicant has two years to submit final design. In that two-year window, the project and land could be sold to a different party. It is for this reason that staff advocates for focusing on the project itself rather than the players involved. We will plan on following up this memo with some additional time for questions and discussion at the October 7th meeting.