



**The City of Lee's Summit**  
**Final Agenda**  
**City Council - Regular Session**

Thursday, January 4, 2018

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

**REGULAR SESSION NO. 52**

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INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

**1. PUBLIC COMMENTS:**

*(NOTE: Total time for Public Comments will be limited to 10 minutes.)*

**2. COUNCIL COMMENTS:**

*(NOTE: Total time for Council Comments will be limited to 5 minutes.)*

**3. APPROVAL OF CONSENT AGENDA:**

*Items on the Consent Agenda are routine business matters; were previously discussed in a Council Committee and carry a recommendation for approval; or, proposed ordinances approved unanimously by the Council on First Reading. Consent agenda items may be removed by any Councilmember for discussion as part of the regular agenda.*

- A. [2017-1743](#) Approval of Action Letters from December 7, 14 and 21, 2017.
- B. [2017-1758](#) Approval of change in managing officer for Quik Trip Store #208 at 800 NE Woods Chapel Road, and Quik Trip Store #200 at 120 SW M150 Highway.
- C. [2017-1759](#) Approval of a Liquor License Type "N" for Ted's Escondido Cafe 636 NE 291 Highway.

- D. [BILL NO. 17-281](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "THE MANOR AT STONEY CREEK, 2ND PLAT, LOTS 42-81 & TRACTS N-P", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: This Bill was first read on December 21, 2017 and passed by unanimous vote.)

- E. [BILL NO. 17-282](#) AN ORDINANCE APPROVING AN INTERGOVERNMENTAL FACILITY USE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY, MISSOURI FOR THE USE OF THE LONGVIEW RECREATION CENTER AQUATICS FACILITY FOR LIFEGUARD TRAINING AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT.

(Note: This Bill was first read on December 21, 2017 and passed by unanimous vote.)

**4. PRESENTATIONS:**

- A. [2017-1750](#) Review of the General Fund Reserve Balance
- B. [2017-1748](#) Paragon Star - Presentation of I-470 Western Gateway Transportation Development District proposal

**5. RESOLUTIONS:**

- A. [RES. NO. 18-01](#) A RESOLUTION SUPPORTING THE FORMATION OF THE I-470 WESTERN GATEWAY TRANSPORTATION DEVELOPMENT DISTRICT.

**6. PUBLIC HEARINGS:**

*Proposed ordinances considered after a public hearing will be read for the first time and forwarded to a future City Council meeting for second reading, unless deemed to be an emergency as defined in Sec. 3.13(f) of the Lee's Summit Charter. Five affirmative votes are required for approval of second reading.*

- A. [2017-1643](#) Continued PUBLIC HEARING - Application #PL2017-203 - REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN - approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy; IAC Life, applicant.  
(Note: The item was to be CONTINUED from December 21, 2017 per the applicant's request.)
- 1) [BILL NO. 17-279](#) AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO CP-2 AND APPROVING A PRELIMINARY DEVELOPMENT PLAN ON APPROXIMATELY 4.3 ACRES ABUTTING 1850 NE US 40 HIGHWAY, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.  
(Note: The item was to be CONTINUED from December 21, 2017 per the applicant's request.)



- B. [2017-1575](#) Continued PUBLIC HEARING - Application #2017-217 - VACATION OF RIGHT-OF-Way - a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road; Darla Anderson, applicant
- 1) [BILL NO.](#) AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR A PORTION OF  
[18-01](#) NE TODD GEORGE ROAD LOCATED APPROXIMATELY 90 FEET NORTH OF THE INTERSECTION OF NE WALL ST AND NE COUNTY PARK ROAD. WITHIN THE CITY OF LEE'S SUMMIT, MISSOURI.
- C. [2017-1498](#) Remanded PUBLIC HEARING - Appl. #PL2017-144 - PRELIMINARY DEVELOPMENT PLAN - Kessler Ridge at New Longview, 2nd Plat, Lots 56-87, Tracts E-G; Inspired Homes, LLC, applicant
- 1) [BILL NO.](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON  
[18-02](#) LAND GENERALLY LOCATED AT THE NE CORNER OF SW LONGVIEW BOULEVARD AND SW LONGVIEW ROAD IN DISTRICT PMIX, PROPOSED KESSLER RIDGE AT NEW LONGVIEW, 2ND PLAT, LOTS 56-87, TRACTS E-G, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

#### 7. **PROPOSED ORDINANCES - FIRST READING:**

*The proposed ordinances presented for first reading may include items with a previous hearing; an item brought directly to the City Council without a recommendation from a Council Committee; or, items forwarded from citizen Boards or Commissions. Five affirmative votes are required for approval of second reading.*

- A. [BILL NO.](#) AN ORDINANCE APPROVING THE 2018 FACILITY USAGE AGREEMENT BY  
[18-03](#) AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, THROUGH THE LEE'S SUMMIT PARKS AND RECREATION BOARD AND JACKSON COUNTY PARKS AND RECREATION FOR THE USE OF CITY FACILITIES AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.
- B. [BILL NO.](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "SIENA AT LONGVIEW,  
[18-04](#) 4TH PLAT, LOTS 216A-218A, 224A & 320-328", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

#### 8. **PROPOSED ORDINANCES - SECOND READING:**

*The proposed Ordinances were advanced from First Reading without a unanimous vote of the City Council.*

- A. [BILL NO.](#) AN ORDINANCE AMENDING THE ECONOMIC DEVELOPMENT INCENTIVE  
[17-280](#) POLICY FOR THE CITY OF LEE'S SUMMIT.  
(Note: This Bill was first read on December 21, 2017.)

#### 9. **COMMITTEE REPORTS (Committee chairs report on matters held in Committee):**

#### 10. **COUNCIL ROUNDTABLE:**

#### 11. **STAFF ROUNDTABLE:**

#### 12. **ADJOURNMENT**

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

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](http://www.cityofls.net)".

## Packet Information

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**File #:** 2017-1743, **Version:** 1

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Approval of Action Letters from December 7, 14 and 21, 2017.



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

Thursday, December 7, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

**REGULAR SESSION NO. 49 \*\*\*AMENDED\*\*\***

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INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

Mayor Rhoads called Regular Session No. 49 to order at 6:56 p.m.

ROLL CALL

**Present:** 8 - Councilmember Rob Binney  
Councilmember Trish Carlyle  
Councilmember Phyllis Edson  
Councilmember Craig Faith  
Councilmember Diane Forte  
Councilmember Dave Mosby  
Councilmember Diane Seif  
Councilmember Fred DeMoro

APPROVAL OF AGENDA

**ACTION:** A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, to approved Published Amended Agenda amended.[]

The motion carried by the following vote:

**Aye -**  
Councilmember Carlyle  
Councilmember Forte  
Councilmember Binney  
Councilmember Mosby  
Councilmember Edson  
Councilmember Faith  
Councilmember Seif  
Councilmember DeMoro

1. **PUBLIC COMMENTS:**

Mr. Rick Inglima, representative of the FOP, voiced his concerns and those of the Police Department regarding the Compensation study and philosophy.

Ms. Geraldine Amotto once again spoke about the fall of the republic and her feelings regarding the state of the nation.

2. **COUNCIL COMMENTS:**

Councilmember Edson asked staff to look in to the Sunshine request that Mr. Inglima spoke about during Public Comments.

3. **APPROVAL OF CONSENT AGENDA:**

- A. [2017-1636](#) Approval of Action Letters from November 2 and November 9, 2017.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that the Action Letters from November 2 and November 9, 2017 be approved as part of the Consent Agenda. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- B. [2017-1565](#) Mayor's Appointments:

Arts Council: Appoint Erik Crew to replace Kathryn Salek, term to expire 7-22-19.

Beautification Commission: Appoint Donna Nuccio, term to expire 7-22-19.

Board of Adjustments: Appoint Chris Campbell to replace Brenda Morin, term to expire 12-17-19.

Human Relations Commission: Appoint Kina Gunnels, to replace Curtis Cook, term to expire 7-6-18 and appoint Susan Coffman, term to expire 7-6-20.

Human Services Advisory Board: Appoint Nicole Davis to replace Mary Anne Metheny, term to expire 1-20-19.

50 Highway and Todd George CID - Reappoint Mike Beal and Roberts Coats, terms to expire 5-29-21.

740 NW Blue Parkway CID - Appoint Bette Wordelman and Jack Feldman for two-year terms.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that the Mayor's Appointments be approved as part of the Consent Agenda. The motion carried by the following vote:**

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Aye: 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- C. [BILL NO. 17-236](#) AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM CP-2 TO RP-3 ON APPROXIMATELY 2.78 ACRES GENERALLY LOCATED SOUTH OF THE INTERSECTION OF SW 16TH ST. AND SW CORINTH DR. FOR THE PROPOSED FINAL PHASE OF THE SIENA AT LONGVIEW RESIDENTIAL SUBDIVISION, AND APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR SIENA AT LONGVIEW, LOT 291, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.  
(Note: First Reading by City Council on November 2, 2017 and passed by unanimous vote.)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-236 be adopted and numbered Ord. No. 8279 as part of the Consent Agenda. The motion carried by the following vote:**

Aye: 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- D. [BILL NO. 17-237](#) AN ORDINANCE APPROVING APPLICATION #PL2017-177 - AMENDMENT #63 TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO) - ARTICLE 5 ZONING DISTRICTS AND ARTICLE 6 OVERLAY DISTRICTS - AMENDING M-150 CORRIDOR RELATED ZONING DISTRICTS AND OVERLAY DISTRICT REGULATIONS; CITY OF LEE'S SUMMIT, APPLICANT.  
(Note: First Reading by City Council on November 2, 2017 and passed by unanimous vote.)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Bill No. 17-237 be approved and numbered Ord. No. 8280 as part of the Consent Agenda. The motion carried by the following vote:**

Aye: 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- E. [BILL NO. 17-240](#) AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED AT 4508 SW RAINTREE SHORE DRIVE IN THE CITY OF LEE'S SUMMIT, MISSOURI.  
(Note: First Reading by City Council on November 2, 2017 and passed by unanimous vote.)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-240 be adopted and numbered Ord. No. 8281 as part of the Consent Agenda. The motion carried by the following vote:**

Aye: 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- F. [BILL NO. 17-241](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN WI MAPLE 36, LLC AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE MAPLE ESTATES DEVELOPMENT.  
(Note: First Reading by City Council on November 2, 2017 and passed by unanimous vote.)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-241 be adopted and numbered Ord. No. 8282 as part of the Consent Agenda. The motion carried by the following vote:**

Aye: 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**4. PRESENTATIONS:**

- A. [2017-1715](#) PRESENTATION OF THE COMPENSATION AND BENEFIT STUDY

**ACTION: After lengthy discussion, Council asked staff to review the questions raised and to clarify additional information and bring this back to Council on January 11, 2018.**

Aye: 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**5. RESOLUTIONS:**

- A. [RES. NO. 17-17](#) A RESOLUTION ADOPTING THE CITY OF LEE'S SUMMIT, MISSOURI'S COMPENSATION PHILOSOPHY.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Resolution No. 17-17 be tabled until January 11, 2018. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- B.**      [RES. NO.](#)      A RESOLUTION ADOPTING THE 2018 LEGISLATIVE  
[17-16](#)                      INTERGOVERNMENTAL PROGRAM FOR THE CITY OF LEE'S SUMMIT,  
MISSOURI.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Resolution No. 17-16 be approved. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**6.      PROPOSED ORDINANCES FORWARDED FROM COMMITTEE:**

- A.**      [BILL NO.](#)      AN ORDINANCE AMENDING ARTICLE III. OFFICERS AND EMPLOYEES.  
[17-235](#)                      CHAPTER 2. ADMINISTRATION OF THE CODE OF ORDINANCES OF THE  
CITY OF LEE'S SUMMIT BY REPEALING SECTION 2-61 AND ENACTING TEN  
NEW SECTIONS RELATING TO A CODE OF ETHICS, FINANCIAL  
DISCLOSURE AND CODE OF CONDUCT. (Rules Committee 10-3-17)  
(Note: This item was CONTINUED from November 2, 2017 per Council's  
request.)

Seif, Diane was called to speak. Carlyle, Trish was called to speak. Seif, Diane was called to speak. Edson, Phyllis was called to speak. Mosby, Dave was called to speak. DeMoro, Fred was called to speak. Carlyle, Trish was called to speak. Mosby, Dave was called to speak. Forte, Diane was called to speak. Carlyle, Trish was called to speak. Seif, Diane was called to speak. Edson, Phyllis was called to speak. Mosby, Dave was called to speak. Binney, Rob was called to speak. Seif, Diane was called to speak. Edson, Phyllis was called to speak. Mosby, Dave was called to speak. DeMoro, Fred was called to speak. Faith, Craig was called to speak. Edson, Phyllis was called to speak. Binney, Rob was called to speak. DeMoro, Fred was called to speak. Forte, Diane was called to speak. Faith, Craig was called to speak. Edson, Phyllis was called to speak. DeMoro, Fred was called to speak. Faith, Craig was called to speak. Carlyle, Trish was called to speak. Binney, Rob was called to speak. Binney, Rob was called to



speaking. DeMoro, Fred was called to speak. Forte, Diane was called to speak. Seif, Diane was called to speak. Mosby, Dave was called to speak. Forte, Diane was called to speak. Forte, Diane was called to speak. Faith, Craig was called to speak. Forte, Diane was called to speak.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-235 be second read. The motion failed by the following vote:**

**Aye:** 3 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Forte

**Nay:** 5 - Councilmember Edson  
Councilmember Faith  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- B.**      [BILL NO. 17-243](#)      AN ORDINANCE APPROVING AMENDMENT NO. 12 TO THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2017, AS ADOPTED BY ORDINANCE NO. 7894, BY REVISING THE AUTHORIZED BUDGET EXPENDITURES OF THE CITY OF LEE'S SUMMIT, MISSOURI. (F&BC 11-6-17)

**ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Seif, that this Bill No. 17-243 be second read. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Seif, that Bill No. 17-243 be adopted and numbered Ord. No. 8283. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- C.**      [BILL NO. 17-244](#)      AN ORDINANCE APPROVING AMENDMENT NO. 5 TO THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2018, AS ADOPTED BY ORDINANCE NO. 8162, BY AMENDING THE AUTHORIZED ALLOCATION OF FULL TIME EQUIVALENTS FOR CERTAIN POSITIONS WITHIN THE POLICE DEPARTMENT AND BY REVISING THE AUTHORIZED BUDGET EXPENDITURES OF THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE PURPOSE OF ADDING AN OFFICER TO SERVE ON THE JACKSON COUNTY DRUG TASK FORCE. (F&BC 11-6-17)

**ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Binney, that Bill No. 17-244 be second read. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 17-244 be adopted and numbered Ord. No. 8284. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**D.**      [BILL NO.](#)  
[17-245](#)

AN ORDINANCE APPROVING AWARD OF RFQ 2018-038 TO THE BRITTON GROUP, LLC, FOR LOBBYING SERVICES AND THE AGREEMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$9,000.00 FOR A ONE-YEAR CONTRACT WITH TWO ADDITIONAL OPTIONAL ONE YEAR RENEWALS AND APPROVING AMENDMENT NO. 8 TO THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2018, AS ADOPTED BY ORDINANCE NO. 8162 BY REVISING THE AUTHORIZED BUDGET EXPENDITURES OF THE CITY OF LEE'S SUMMIT, MISSOURI. (Legislative and Intergovernmental Relations Committee - November 7, 2017)

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Seif, that Bill No. 17-245 be second read. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Forte, that Bill No. 17-245 be adopted and numbered Ord. No. 8285. The motion carried by the following vote:**

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**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- E.**      [BILL NO. 17-249](#)      AN ORDINANCE APPROVING AMENDMENT NO. 6 TO THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2018, AS ADOPTED BY ORDINANCE NO. 8162, BY AMENDING THE PAY AND CLASSIFICATION PLAN, AND AUTHORIZED ALLOCATION OF FULL TIME EQUIVALENTS FOR CERTAIN POSITIONS WITHIN THE ADMINISTRATION AND HUMAN RESOURCES DEPARTMENT FOR THE PURPOSE OF REORGANIZATION. (F&BC 11-6-17)

**ACTION:** A motion was made by Councilmember Carlyle, seconded by Councilmember Seif, that Bill No. 17-249 be second read. The motion carried by the following vote:

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**ACTION:** A motion was made by Councilmember Carlyle, seconded by Councilmember Seif, that Bill No. 17-249 be adopted and numbered Ord. No. 8286. The motion carried by the following vote:

**Aye:** 7 - Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Binney

- F.**      [BILL NO. 17-258](#)      AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF KANSAS CITY, MISSOURI AND THE CITY OF LEE'S SUMMIT, MISSOURI TO ALLOW THE CITY OF LEE'S SUMMIT TO JOIN THE METROPOLITAN REGIONAL RADIO SYSTEM. (F&BC 11-6-17)

**ACTION:** A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 17-258 be second read. The motion carried by the following vote:

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**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Faith, that Bill No. 17-258 be adopted and numbered Ord. No. 8287. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- G.**      [BILL NO. 17-265](#)      AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND MOTOROLA SOLUTIONS, INC., IN THE AMOUNT OF \$7,996,943.28 FOR THE PURCHASE OF P25 RADIO SYSTEM SOLUTION THROUGH A COOPERATIVE PURCHASING AGREEMENT WITH THE KANSAS CITY REGIONAL PURCHASING COOPERATIVE OF JOHNSON COUNTY, KANSAS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI. (F&BC 12-4-17)

**ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Faith, that Bill No. 17-265 be second read. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Faith, that Bill No. 17-265 be adopted and numbered Ord. No. 8288. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**7.      EMERGENCY ORDINANCES:**

- A. [BILL NO. 17-246](#) AN ORDINANCE AUTHORIZING EXECUTION OF MODIFICATION NO. 1 TO THE AGREEMENT WITH GEORGE BUTLER ASSOCIATES, INC FOR PROFESSIONAL ENGINEERING SERVICES FOR SW JEFFERSON ST. (PERSELS RD TO OLDHAM PKWY)(RFQ NO. 419-32272) IN THE AMOUNT OF \$27,838.00 FOR A REVISED NOT TO EXCEED CONTRACT AMOUNT OF \$299,952.00, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE SAME; AND CONTAINING AN EMERGENCY CLAUSE.

**ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 17-246 be second read. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Edson

**ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 17-246 be adopted and numbered Ord. No. 8289. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Edson

- B. [BILL NO. 17-247](#) AN ORDINANCE APPROVING CHANGE ORDER #3 TO THE CONTRACT WITH PCI ROADS, L.L.C. FOR THE BRIDGE MAINTENANCE FY17 PROJECT, AN INCREASE OF \$11,039.97 FOR A REVISED CONTRACT PRICE OF \$525,713.82, AND CONTAINING AN EMERGENCY CLAUSE.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill No. 17-247 be second read. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Edson

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that this Bill No. 17-247 be adopted and numbered Ord. No. 8290. The motion carried by the following vote:**

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**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Edson

- C.**     [BILL NO.](#)     AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY  
[17-248](#)                    AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND EMERY SAPP  
                             & SONS, INC., IN THE AMOUNT OF \$137,550.00 FOR PRELIMINARY  
                             DESIGN SERVICES FOR NW WARD ROAD FROM NW TUDOR RD TO NW  
                             BLUE PKWY (RFQ NO. 49832272-DB) AND CONTAINING AN EMERGENCY  
                             CLAUSE.

**ACTION:** A motion was made by Councilmember Faith, seconded by Councilmember Seif,  
that Bill No. 17-248 be second read. The motion carried by the following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Edson

**ACTION:** A motion was made by Councilmember Faith, seconded by Councilmember Seif,  
that Bill No. 17-248 be adopted and numbered Ord. No. 8291. The motion carried by the  
following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Edson

- D.**     [BILL NO.](#)     AN ORDINANCE AWARDING SANITARY SEWER CONSTRUCTION WORK,  
[17-250](#)                    FOR THE BITTER CREEK ROAD SEWER TO WIEDENMANN INC., IN  
                             ACCORDANCE WITH ON CALL CONTRACT 2013-128/4R IN THE AMOUNT  
                             OF \$84,173.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN  
                             AGREEMENT FOR THE SAME AND CONTAINING AN EMERGENCY CLAUSE.

**ACTION:** A motion was made by Councilmember Mosby, seconded by Councilmember  
Seif, that Bill No. 17-250 be second read. The motion carried by the following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Edson

**ACTION:** A motion was made by Councilmember Mosby, seconded by Councilmember DeMoro, that Bill No. 17-250 be adopted and numbered Ord. No. 8292. The motion carried by the following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Edson

**8. PUBLIC HEARINGS:**

- A. [2017-1653](#)** PUBLIC HEARING - Appl. #PL2017-205 - SPECIAL USE PERMIT for indoor storage facility - Oakview Storage, 1410 NE Douglas St.; Oakview Capital Partners, LLC, applicant

**This Public Hearing - Sworn was approved.**

- 1) [BILL NO. 17-251](#)** AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR AN INDOOR STORAGE FACILITY IN DISTRICT PI ON LAND LOCATED AT 1410 NE DOUGLAS STREET, PROPOSED OAKVIEW STORAGE, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

**ACTION:** A motion was made by Councilmember DeMoro, seconded by Councilmember Seif, that Bill No. 17-251 be advanced to second reading. The motion carried by the following vote:

**Aye:** 6 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 2 - Councilmember Edson  
Councilmember Forte

- B. [2017-1644](#)** PUBLIC HEARING - Application #PL2017-216 - SPECIAL USE PERMIT for in-home massage therapy - In Good Hands Therapeutic Massage, 1508 SW 9th St; Amy Abbott, applicant

This Public Hearing - Sworn was approved.

- 1) [BILL NO. 17-252](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR IN HOME MASSAGE THERAPY IN DISTRICT R-1 ON LAND LOCATED AT 1508 SW 9TH STREET FOR A PERIOD OF TEN (10) YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

**ACTION:** A motion was made by Councilmember Carlyle, seconded by Councilmember Seif, that Bill No. 17-252 be advanced to second reading as amended. The motion carried by the following vote:

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- C. [2017-1678](#) PUBLIC HEARING - Application #PL2017-221 - VACATION OF RIGHT-OF-WAY - a portion of NW Gregory Blvd located east of NW Lee's Summit Rd; City of Lee's Summit, applicant

This Public Hearing - Sworn was approved.

- 1) [BILL NO. 17-253](#) AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR A PORTION OF NW GREGORY BLVD, IN THE CITY OF LEE'S SUMMIT, MISSOURI.

**ACTION:** A motion was made by Councilmember Forte, seconded by Councilmember Faith, that Bill No. 17-253 be advanced to second reading. The motion carried by the following vote:

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- D. [2017-1643](#) Continued PUBLIC HEARING - Application #PL2017-203 - REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN - approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy; IAC Life, applicant

**ACTION:** A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that this Public Hearing be continued to December 21, 2017. The motion carried by the following vote:



**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**9. PROPOSED ORDINANCES - FIRST READING:**

- A.**     [BILL NO.](#)     AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT  
          [17-242](#)     AGREEMENT BETWEEN PARROT PROPERTIES, INC., A MISSOURI  
CORPORATION AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR VILLAGE  
AT VIEW HIGH DEVELOPMENT.  
(Note: This item was CONTINUED from November 2, 2017 per staff's  
request.)

**ACTION:** A motion was made by Councilmember Edson, seconded by Councilmember Forte, that Bill No. 17-242 be advanced to second reading. The motion carried by the following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Mosby

- B.**     [BILL NO.](#)     AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED AT 3200 SW  
          [17-254](#)     PERGOLA PARK DRIVE IN THE CITY OF LEE'S SUMMIT, MISSOURI.

**ACTION:** A motion was made by Councilmember Seif, seconded by Councilmember Carlyle, that Bill No. 17-254 be advanced to second reading. The motion carried by the following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Mosby

- C.**     [BILL NO.](#)     AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED AT 4548 SW  
          [17-255](#)     RAINTREE SHORE DRIVE IN THE CITY OF LEE'S SUMMIT, MISSOURI.

**ACTION:** A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 17-255 be advanced to second reading. The motion carried by the following vote:

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**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Mosby

- D.**     [BILL NO.](#)     AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED AT 2821 NE  
[17-256](#)               INDEPENDENCE AVENUE IN THE CITY OF LEE'S SUMMIT, MISSOURI.

**ACTION:** A motion was made by Councilmember Faith, seconded by Councilmember Seif, that Bill No. 17-256 be advanced to second reading. The motion carried by the following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Mosby

- E.**     [BILL NO.](#)     AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY  
[17-257](#)               AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND HDR  
ENGINEERING INC., IN THE AMOUNT OF \$152,365 FOR PROFESSIONAL  
ENGINEERING SERVICES FOR FACILITIES ASSET MANAGEMENT PLAN  
(RFQ NO. 2017-142)

**ACTION:** A motion was made by Councilmember Mosby, seconded by Councilmember Carlyle, that Bill No. 17-257 be advanced to second reading. The motion carried by the following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Mosby

- G.**     [BILL NO.](#)     AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "WINTERSET VALLEY,  
[17-259](#)               11TH PLAT, LOTS 1392A, 1411 THRU 1434 & TRACT A11", AS A  
SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

**ACTION:** A motion was made by Councilmember DeMoro, seconded by Councilmember Seif, that Bill No. 17-259 be advanced to second reading. The motion carried by the following vote:

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**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Mosby

- H. [BILL NO. 17-260](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "MILL CREEK OF SUMMIT MILL, 7th PLAT, TRACT U", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

**ACTION:** A motion was made by Councilmember Carlyle, seconded by Councilmember Binney, that Bill No. 17-260 be advanced to second reading. The motion carried by the following vote:

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- I. [BILL NO. 17-261](#) AN ORDINANCE AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION TAX INCREMENT AND SPECIAL DISTRICT REFUNDING AND IMPROVEMENT BONDS (SUMMIT FAIR PROJECT), SERIES 2017 OF THE CITY OF LEE'S SUMMIT, MISSOURI, AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE BONDS.

**ACTION:** A motion was made by Councilmember Forte, seconded by Councilmember Faith, that Bill No. 17-261 be advanced to second reading. The motion carried by the following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Mosby

- J. [BILL NO. 17-262](#) AN ORDINANCE APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, THE 740 NW BLUE PARKWAY COMMUNITY IMPROVEMENT DISTRICT AND 740 PARKWAY INVESTORS, LLC, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY.

**ACTION:** A motion was made by Councilmember Edson, seconded by Councilmember Carlyle, that Bill No. 17-262 be advanced to second reading. The motion carried by the

**following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Mosby

- K.**      [BILL NO.](#)      AN ORDINANCE APPROVING AMENDMENT NO. 7 TO THE BUDGET FOR  
[17-263](#)                      THE FISCAL YEAR ENDING JUNE 30, 2018, AS ADOPTED BY ORDINANCE  
NO. 8162, BY REVISING THE AUTHORIZED EXPENDITURES FOR THE CITY  
OF LEE'S SUMMIT, MISSOURI, AND ESTABLISHING A NEW PAY AND  
CLASSIFICATION PLAN FOR IMPLEMENTATION OF THE COMPENSATION  
AND BENEFIT STUDY.

**ACTION:** A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 17-263 be tabled until January 11, 2018. The motion carried by the following vote:

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- L.**      [BILL NO.](#)      AN ORDINANCE AMENDING THE CITY OF LEE'S SUMMIT CODE OF  
[17-264](#)                      ORDINANCES SECTION 2-308 TO INCORPORATE PROVISIONS RELATED  
TO COMPENSATION PHILOSOPHY AND COMPENSATION STUDY AND  
AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTION AS IS  
NECESSARY TO ACHIEVE THE SAME.

**ACTION:** A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 17-264 be tabled until January 11, 2018. The motion carried by the following vote:

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**10.      PROPOSED ORDINANCES - SECOND READING:**

- A.**      [BILL NO.](#)      AN ORDINANCE APPROVING REDEVELOPMENT PROJECT G FOR THE  
[15-231](#)                      NEW LONGVIEW TAX INCREMENT FINANCING PLAN AND ACTIVATING

THE COLLECTION OF TAX INCREMENT FINANCING REVENUES THEREIN.

(NOTE: SECOND READING ONLY. First Reading was done on December 17, 2015.)

**ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Carlyle, that Bill No. 15-231 be adopted and numbered Ord. No. 8293. The motion carried by the following vote:**

**Aye:** 6 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 2 - Councilmember Edson  
Councilmember Mosby

**B.** [BILL NO.](#)  
[17-216](#)

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR TELECOMMUNICATIONS TOWER IN DISTRICT PI ON LAND LOCATED AT 465 SE OLDHAM PKWY, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: First Reading by City Council on October 5, 2017.)

**ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Seif, that Bill No. 17-216 be adopted and numbered Ord. No. 8294. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Edson

**C.** [BILL NO.](#)  
[17-217](#)

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 465 SE OLDHAM PKWY, TELECOMMUNICATION TOWER, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: First Reading by City Council on October 5, 2017.)

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Seif, that Bill No. 17-217 be adopted and numbered Ord. No. 8295. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

Nay: 1 - Councilmember Edson

**11. COMMITTEE REPORTS (Committee chairs report on matters held in Committee):**

Councilmember Binney stated the Finance and Budget Committee have started looking at the next fiscal year budget and advised that revenues are flat.

Councilmember Forte noted the CEDC committee would be meeting on Wednesday, December 13, 2017 at 4:30 p.m.

**12. COUNCIL ROUNDTABLE:**

There was no Council Roundtable.

**13. STAFF ROUNDTABLE:**

Mr. Steve Arbo, City Manager, asked for direction on the Compensation and Benefit plan that is to come back to Council on January 11, 2018.

Councilmember Faith asked staff to present a philosophy. He would also like to see what salary ranges from midpoint, market and top quartile look like and what it would take to sustain that. He would like to look at immediate implementation, a 5 year plan and a 10 year plan. He would also like staff to look at an overall strategy to reduce or control compression as well as fiscal impact statements.

Councilmember Forte would like staff to speak with Department Head / Directors to see if there are any additional significant issues that can be addressed and possibly resolved.

Councilmember Mosby asked staff to be sure to rectify some of the concerns and questions Mr. Inglima proposed in Public Comments.

Councilmember Edson asked for philosophies from comparable cities.

Councilmember Binney would also like a mid-range estimate from market to top quartile.

Mrs. Jackie Heanue advised staff has been compliant with the Sunshine Request referenced by Mr. Inglima during Public Comments. They are still continuing to work on this request as the request included a substantial volume of data and staff is still going through the emails for responsiveness.

Mr. Brian Head advised the Ethics Code must be adopted by April 4, 2018 to meet Charter requirements.

**14. ADJOURNMENT**

Mayor Rhoads adjourned Regular Session No. 49 at 10:58 p.m.

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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](http://www.cityofls.net)".



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

Thursday, December 14, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

**REGULAR SESSION NO. 50 \*\*\*AMENDED\*\*\***

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INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

Mayor Rhoads called Regular Session No. 50 to order at 6:32 p.m.

ROLL CALL

**Present:** 8 - Councilmember Rob Binney  
Councilmember Trish Carlyle  
Councilmember Phyllis Edson  
Councilmember Craig Faith  
Councilmember Diane Forte  
Councilmember Dave Mosby  
Councilmember Diane Seif  
Councilmember Fred DeMoro

APPROVAL OF AGENDA

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Seif, to approve the Published Amended Agenda. The motion carried by the following vote:

Aye:

Councilmember DeMoro  
Councilmember Seif  
Councilmember Edson  
Councilmember Carlyle  
Councilmember Mosby  
Councilmember Binney  
Councilmember Faith  
Councilmember Forte



**1. PUBLIC COMMENTS:**

Mr. Jim McCoy from Jim's Tow Service expressed his concern over Bill No. 17-270 that awards a bid to Ron's Auto & Truck Towing, LLC.

Ms. Geraldine Amoto once again spoke about her feelings on the republic and her opinions on the state of the nation.

Mr. Ron Harvey of Ron's Auto & Truck Towing, LLC spoke about Bill No. 17-270 and being awarded this bid fairly.

**2. COUNCIL COMMENTS:**

Councilmember Binney stated he has asked the Rules Committee to reconsider the Ethics Policy and bring it back to Council before the April 3, 2018 deadline.

**3. APPROVAL OF CONSENT AGENDA:**

**A. [BILL NO. 17-252](#)**

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR IN HOME MASSAGE THERAPY IN DISTRICT R-1 ON LAND LOCATED AT 1508 SW 9TH STREET FOR A PERIOD OF TEN (10) YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: First Reading by City Council on December 7, 2017 and passed by unanimous vote.)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-252 be adopted and numbered Ord. No. 8296 as part of the Consent Agenda. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**B. [BILL NO. 17-253](#)**

AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR A PORTION OF NW GREGORY BLVD, IN THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: First Reading by City Council on December 7, 2017 and passed by unanimous vote.)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 17-253 be adopted and numbered Ord. No. 8297 as part of the Consent Agenda. The motion carried by the following vote:**

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**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**4. PRESENTATIONS:**

Councilmember Binney absent at 8:20 p.m.

- A.**      [2017-1629](#)      Lee's Summit Economic Development Council (LSEDC) Quarterly Report - 3rd Quarter 2017

Councilmember Mosby absent at 8:35 p.m.

**This Presentation was received and filed.**

- B.**      [2017-1647](#)      Community Marketing update and activity report presentation

**This Presentation was received and filed.**

- C.**      [2017-1641](#)      Presentation of the Health Education Advisory Board

**This Presentation was received and filed.**

- D.**      [2017-1714](#)      Presentation & Request - HT Solutions Request for Issuance of Certificate of Occupancy prior to issuance of Final Acceptance of public infrastructure

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, to direct staff to waive the issuance of final acceptance prior to issuance of the full Certificate of Occupancy for the HT Solutions project located at 1440 SE Broadway Dr. and withhold the release of the sidewalk escrow until the public sidewalk is constructed and accepted or another building permit is issued for the property. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Absent:** 1 - Councilmember Binney

- E.**      [2017-1437](#)      Presentation/Review and Discussion of Adopted Economic Development Incentive Policy and proposed amendments

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Seif, to direct staff to prepare an ordinance amending the City's Economic Development Incentive Policy as presented. The motion carried by the following vote:**

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**Aye:** 6 - Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Absent:** 2 - Councilmember Binney  
Councilmember Mosby

**5. RESOLUTIONS:**

- A. RES. NO. 17-18** A RESOLUTION REVISING THE INVESTMENT POLICY OF THE CITY OF LEE'S SUMMIT, MISSOURI. (F&BC 12-4-17)

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Resolution No. 17-18 be approved. The motion carried by the following vote:**

**Aye:** 6 - Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Absent:** 2 - Councilmember Binney  
Councilmember Mosby

**6. PROPOSED ORDINANCES FORWARDED FROM COMMITTEE:**

- A. BILL NO. 17-266** AN ORDINANCE APPROVING THE PURCHASE OF STRUCTURAL FIREFIGHTING GEAR IN AN AMOUNT NOT TO EXCEED \$76,000.00 AS PROVIDED FOR IN THE CITY'S PROCUREMENT POLICY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY. (F&BC 12-4-17)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 17-266 be second read. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Faith, that Bill No. 17-266 be adopted and numbered Ord. No. 8298. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**B.**      [BILL NO.](#)  
[17-267](#)

AN ORDINANCE APPROVING THE AWARD OF BID NO. 2017-130 FOR TWO ONE-YEAR CONTRACTS WITH THREE (3) POSSIBLE ONE-YEAR CONTRACT RENEWALS FOR COMPOUND WATER METERS TO HD SUPPLY AND DISPLACEMENT WATER METERS TO MIDWEST METER FOR THE WATER UTILITIES DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT FOR THE SAME WITH HD SUPPLY AND MIDWEST METER BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT, MISSOURI. (F&BC 12-4-17)

**ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Seif, that Bill No. 17-267 be second read. The motion carried by the following vote:**

**Aye:** 8 -      Councilmember Binney  
                 Councilmember Carlyle  
                 Councilmember Edson  
                 Councilmember Faith  
                 Councilmember Forte  
                 Councilmember Mosby  
                 Councilmember Seif  
                 Councilmember DeMoro

**ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Seif, that Bill No. 17-267 be adopted and numbered Ord. No. 8299. The motion carried by the following vote:**

**Aye:** 8 -      Councilmember Binney  
                 Councilmember Carlyle  
                 Councilmember Edson  
                 Councilmember Faith  
                 Councilmember Forte  
                 Councilmember Mosby  
                 Councilmember Seif  
                 Councilmember DeMoro

**C.**      [BILL NO.](#)  
[17-269](#)

AN ORDINANCE APPROVING THE SALE OF AN IMPROVED LOT LEGALLY DESCRIBED AS LOT 9B, RITTER PLAZA LOT 9A AND LOT 9B, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, FROM HB SUMMIT, LLC, TO VEREIT REAL ESTATE, L.P., AND AUTHORIZATION TO ENTER INTO A TRANSFEREE AGREEMENT BETWEEN VEREIT REAL ESTATE, L.P., HB SUMMIT, LLC, AND THE CITY OF LEE'S SUMMIT. (F&BC 12-4-17)

**ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Binney, that Bill No. 17-269 be second read. The motion carried by the following vote:**

**Aye:** 8 -      Councilmember Binney  
                 Councilmember Carlyle  
                 Councilmember Edson  
                 Councilmember Faith  
                 Councilmember Forte  
                 Councilmember Mosby  
                 Councilmember Seif  
                 Councilmember DeMoro

**ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember**

Seif, that Bill No. 17-269 be adopted and numbered Ord. No. 8300. The motion carried by the following vote:

Aye: 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**7. PROPOSED ORDINANCES - FIRST READING:**

- A. [BILL NO. 17-270](#) AN ORDINANCE APPROVING THE AWARD OF BID NO. 2018-001 FOR A YEARLY TERM & SUPPLY CONTRACT WITH FOUR POSSIBLE ONE YEAR RENEWALS FOR CITY ORDERED TOW SERVICES TO RON'S AUTO & TRUCK TOWING, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY. (F&BC 12-4-17)

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Binney, that Bill No. 12-270 be advanced to second reading.**

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Faith, to Amend Bill No. 17-270 by limiting the bid to one year without the renewal option. The motion carried by the following vote:**

Aye: 5 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif

Nay: 3 - Councilmember Edson  
Councilmember Mosby  
Councilmember DeMoro

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Binney, that Bill No. 17-270 be advanced to second reading as amended. The motion carried by the following vote:**

Aye: 5 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif

Nay: 3 - Councilmember Edson  
Councilmember Mosby  
Councilmember DeMoro

- B. [BILL NO. 17-271](#) AN ORDINANCE AUTHORIZING THE CREATION OF A COMMUNITY FOUNDATION TO BE KNOWN AS THE CITY OF LEE'S SUMMIT COMMUNITY FOUNDATION; AND APPROVING THE BYLAWS OF THE SAME. (F&BC 12-4-17)

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Faith, that Bill No. 17-271 be advanced to second reading. The motion carried by the following vote:**

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**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- C.**      [BILL NO.](#)      AN ORDINANCE AUTHORIZING THE FIRST AMENDMENT TO THE  
[17-272](#)      DEVELOPMENT AGREEMENT BETWEEN TOWNSEND SUMMIT, LLC AND  
THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE SUMMIT ORCHARD  
DEVELOPMENT.

**ACTION:** A motion was made by Councilmember Forte, seconded by Councilmember Faith, that Bill No. 17-272 be advanced to second reading. The motion carried by the following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Mosby

**8.      PROPOSED ORDINANCES - SECOND READING:**

- A.**      [BILL NO.](#)      AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR AN INDOOR  
[17-251](#)      STORAGE FACILITY IN DISTRICT PI ON LAND LOCATED AT 1410 NE  
DOUGLAS STREET, PROPOSED OAKVIEW STORAGE, ALL IN ACCORDANCE  
WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO.  
5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.  
(Note: First Reading by City Council on December 7, 2017.)

**ACTION:** A motion was made by Councilmember Seif, seconded by Councilmember Forte, that Bill No. 17-251 be adopted and numbered Ord. No. 8301. The motion carried by the following vote:

**Aye:** 6 - Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 2 - Councilmember Binney  
Councilmember Edson

- B.**      [BILL NO.](#)      AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT  
[17-242](#)      AGREEMENT BETWEEN PARROT PROPERTIES, INC., A MISSOURI  
CORPORATION AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR VILLAGE  
AT VIEW HIGH DEVELOPMENT.  
(Note: First Reading by City Council on December 7, 2017.)

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**ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Forte, that Bill No. 17-242 be adopted and numbered Ord. No. 8302. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- C.**     [BILL NO.](#)     AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED AT 3200 SW  
[17-254](#)     PERGOLA PARK DRIVE IN THE CITY OF LEE'S SUMMIT, MISSOURI.  
(Note: First Reading by City Council on December 7, 2017.)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill No. 17-254 be adopted and numbered Ord. No. 8303. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- D.**     [BILL NO.](#)     AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED AT 4548 SW  
[17-255](#)     RAINTREE SHORE DRIVE IN THE CITY OF LEE'S SUMMIT, MISSOURI.  
(Note: First Reading by City Council on December 7, 2017.)

**ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Forte, that Bill No. 17-255 be adopted and numbered Ord. No. 8304. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- E.**     [BILL NO.](#)     AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED AT 2821 NE  
[17-256](#)     INDEPENDENCE AVENUE IN THE CITY OF LEE'S SUMMIT, MISSOURI.  
(Note: First Reading by City Council on December 7, 2017.)

**ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 17-256 be adopted and numbered Ord. No. 8305. The motion carried by the following vote:**

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Aye: 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- F. [BILL NO. 17-257](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND HDR ENGINEERING INC., IN THE AMOUNT OF \$152,365 FOR PROFESSIONAL ENGINEERING SERVICES FOR FACILITIES ASSET MANAGEMENT PLAN (RFQ NO. 2017-142).

(Note: First Reading by City Council on December 7, 2017.)

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Seif, that Bill No. 17-257 be adopted and numbered Ord. No. 8306. The motion carried by the following vote:**

Aye: 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- G. [BILL NO. 17-259](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "WINTERSET VALLEY, 11TH PLAT, LOTS 1392A, 1411 THRU 1434 & TRACT A11", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: First Reading by City Council on December 7, 2017.)

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-259 be adopted and numbered Ord. No. 8307. The motion carried by the following vote:**

Aye: 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- H. [BILL NO. 17-260](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "MILL CREEK OF SUMMIT MILL, 7th PLAT, TRACT U", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: First Reading by City Council on December 7, 2017.)

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Faith, that Bill No. 17-260 be adopted and numbered Ord. No. 8308. The motion carried by the following vote:**



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**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- I. [BILL NO. 17-261](#) AN ORDINANCE AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION TAX INCREMENT AND SPECIAL DISTRICT REFUNDING AND IMPROVEMENT BONDS (SUMMIT FAIR PROJECT), SERIES 2017 OF THE CITY OF LEE'S SUMMIT, MISSOURI, AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE BONDS.

(Note: First Reading by City Council on December 7, 2017.)

**ACTION:** A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 17-261 be adopted and numbered Ord. No. 8309. The motion carried by the following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Mosby

- J. [BILL NO. 17-262](#) AN ORDINANCE APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, THE 740 NW BLUE PARKWAY COMMUNITY IMPROVEMENT DISTRICT AND 740 PARKWAY INVESTORS, LLC, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY.

(Note: First Reading by City Council on December 7, 2017.)

**ACTION:** A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 17-262 be adopted and numbered Ord. No. 8310. The motion carried by the following vote:

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Edson

9. **COMMITTEE REPORTS (Committee chairs report on matters held in Committee):**

Councilmember Faith stated the Public Works Committee would be meeting on December 19, 2017 at 5:30 pm and would be discussing the 2017 CIP Sales Tax

Prioritization of Projects and Programs. He stated this would be a great time for public participation and dialogue.

Councilmember Forte noted the Community and Economic Development Committee (CEDC) met last night and she felt they are moving along well with several items that have been in the committee for a very long time. She stated the next meeting will be January 10, 2018.

**10. COUNCIL ROUNDTABLE:**

Councilmember Carlyle noted a new attraction has been created in Lee's Summit. MoDOT left a porta-potty behind after completing the Blackwell Interchange. Residents in the area put up lights and a sign noting it is the "Lee's Summit Magic Potty". People have been bringing donations for Lee's Summit Social Services and it is now noted at the second largest attraction in Lee's Summit following behind the "Magic Tree".

Mayor Rhoades advised there will be a ribbon cutting for the new Water Facility tomorrow, Friday, December 15, 2017 at 1:30 p.m.

**11. STAFF ROUNDTABLE:**

There was no Staff Roundtable.

**12. ADJOURNMENT**

Hearing no further business, Mayor Rhoads adjourned Regular Session No. 50 at 9:08 pm.

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](http://www.cityofls.net)".



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

Thursday, December 21, 2017

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

**REGULAR SESSION NO. 51 \*\*AMENDED\*\***

INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

Mayor Rhoads called Regular Session No. 51 to order at 6:15 p.m.

ROLL CALL

**Present:** 8 - Councilmember Rob Binney  
Councilmember Trish Carlyle  
Councilmember Phyllis Edson  
Councilmember Craig Faith  
Councilmember Diane Forte  
Councilmember Dave Mosby  
Councilmember Diane Seif  
Councilmember Fred DeMoro

APPROVAL OF AGENDA

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember DeMoro, to approve the published Amended Agenda. The motion carried by the following vote:

Aye:

Councilmember Binney  
Councilmember DeMoro  
Councilmember Forte  
Councilmember Seif  
Councilmember Edson  
Councilmember Faith  
Councilmember Carlyle  
Councilmember Mosby

**1. PUBLIC COMMENTS:**

Mr. Joe Ross, manager of Cricket Wireless located by the Walmart on M-150, asked Council to consider amendments to the UDO regarding signs and fees for signs to attract more business.

**2. COUNCIL COMMENTS:**

Councilmember Mosby asked Mr. Ross what type of advertisements they would like to use for their business that has not been allowed. Mr. Ross advised of some of the items they would like to use that are prohibited by the UDO. Councilmember Mosby asked the City Manager to look into this further with Mr. Ross.

**3. APPROVAL OF CONSENT AGENDA:**

**A. [2017-1729](#)**

Mayor's Appointments:

Board of Appeals: Re-appoint Karen Sallee, John Brown and Dana Miller, and appoint Sarah Knights as an alternate, terms to expire 12-1-20.

Human Relations Commission: Appoint Benjamin Tonga, term to expire 7-6-19.

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Faith, that the Mayor's Appointments be approved as part of the Consent Agenda. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**B. [2017-1744](#)**

Approval of Type H & S Liquor License for Summit Liquors, 543 SE Melody Lane.

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Faith, that this Liquor License be approved as part of the Consent Agenda. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**4. PROPOSED ORDINANCES FORWARDED FROM COMMITTEE:**

**A. [BILL NO.](#)  
[17-273](#)**

AN ORDINANCE AMENDING CHAPTER 34, STORMWATER DISCHARGE CONTROL REGULATIONS, TO BE IN COMPLIANCE WITH STATE REGULATIONS AND THE NATIONAL POLLUTANT DISCHARGE

ELIMINATION SYSTEM (NPDES) PROGRAM. (PWC 12/19/17)

**ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 17-273 be second read. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Binney, that Bill No. 17-273 be adopted and numbered Ord. No. 8311. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**B.**      [BILL NO.](#)  
[17-274](#)

AN ORDINANCE APPROVING A MEMORANDUM OF AGREEMENT NO. 697DCM-18-L-00034 WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) PROVIDING FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF FEDERAL AVIATION ADMINISTRATION (FAA) OWNED NAVIGATION, COMMUNICATION, AND WEATHER AIDS FOR THE SUPPORT OF AIR TRAFFIC OPERATIONS AT THE LEE'S SUMMIT MUNICIPAL AIRPORT AND AUTHORIZING THE MAYOR TO ENTER INTO SAID AGREEMENT FOR THE SAME FOR A PERIOD OF 20 YEARS. (PWC 12/19/17)

**ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 17-274 be second read. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Faith, that Bill No. 17-274 be adopted and numbered Ord. No. 8312. The motion carried by the following vote:**

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Aye: 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- C. [BILL NO.](#) AN ORDINANCE AWARDED BID NO. 47632185 FOR NORTHWEST  
[17-275](#) QUADRANT T-HANGARS DEVELOPMENT - PHASE I IN THE AMOUNT OF  
\$2,152,856.05 TO B. DEAN CONSTRUCTION AND AUTHORIZING THE CITY  
MANAGER TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY  
FOR THE SAME. (PWC 12/19/17)

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-275 be second read. The motion carried by the following vote:**

Aye: 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-275 be adopted and numbered Ord. No. 8313. The motion carried by the following vote:**

Aye: 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- D. [BILL NO.](#) AN ORDINANCE AUTHORIZING EXECUTION OF MODIFICATION NO. 9 TO  
[17-276](#) THE AGREEMENT WITH CRAWFORD, MURPHY AND TILLY, INC. FOR  
ON-CALL ENGINEERING SERVICES FOR THE AIRPORT (RFQ 2015-300) IN  
THE AMOUNT OF \$92,093.00 FOR THE CONSTRUCTION PHASE OF  
NORTHWEST QUADRANT T-HANGAR DEVELOPMENT - PHASE 1. (PWC  
12/19/17)

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that Bill No. 17-276 be second read. The motion carried by the following vote:**

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**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that Bill No. 17-276 be adopted and numbered Ord. No. 8314. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- E.**      [BILL NO.](#)      AN ORDINANCE AUTHORIZING EXECUTION OF MODIFICATION NO. 8 TO  
[17-277](#)      THE AGREEMENT WITH CRAWFORD, MURPHY AND TILLY, INC. FOR ON  
CALL ENGINEERING SERVICES FOR THE AIRPORT (RFQ 2015-300) IN THE  
AMOUNT OF \$165,310.00 FOR THE DESIGN AND BIDDING DOCUMENTS  
FOR THE NEW FUEL FACILITY DEVELOPMENT. (PWC 12/19/17)

**ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 17-277 be second read. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 17-277 be adopted and numbered Ord. No. 8315. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- F.**      [BILL NO.](#)      AN ORDINANCE AUTHORIZING EXECUTION OF A MUNICIPAL  
[17-278](#)      AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI  
AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
FOR MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

GLOBAL NAVIGATION SATELLITE REAL TIME NETWORK FOR  
CONTINUOUSLY OPERATING REFERENCE STATIONS USER'S  
RESPONSIBILITY AND AGREEMENT FOR THE USE AND ACCESS OF DATA,  
WITHIN THE CITY LIMITS OF LEE'S SUMMIT, MISSOURI. (PWC 12/19/17)

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Seif, that Bill No. 17-278 be second read. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Mosby

**ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Seif, that Bill No. 17-278 be adopted and numbered Ord. No. 8316. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Mosby

**5. PUBLIC HEARINGS:**

- A.**      [2017-1643](#)      Continued PUBLIC HEARING - Application #PL2017-203 - REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN - approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy; IAC Life, applicant. (Note: The item is to be CONTINUED to January 4, 2018 per the applicant's request.)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that this Public Hearing be continued to January 4, 2018. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- 1)**      [BILL NO. 17-279](#)      AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO CP-2 AND APPROVING A PRELIMINARY DEVELOPMENT PLAN ON APPROXIMATELY 4.3 ACRES ABUTTING 1850 NE US 40 HIGHWAY, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT,



MISSOURI.

(Note: The item is to be CONTINUED to January 4, 2018 per the applicant's request.)

NOTE: Due to the continuation of the Public Hearing, Bill No. 17-279 will also be continued to January 4, 2018.

This Ordinance - Public Hearing was continued to the City Council - Regular Session due back on 1/4/2018

**6. PROPOSED ORDINANCES - FIRST READING:**

- A. [BILL NO. 17-280](#) AN ORDINANCE AMENDING THE ECONOMIC DEVELOPMENT INCENTIVE POLICY FOR THE CITY OF LEE'S SUMMIT.

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Seif, that Bill No. 17-280 be advanced to second reading on January 4, 2018. The motion carried by the following vote:**

**Aye:** 7 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif  
Councilmember DeMoro

**Nay:** 1 - Councilmember Mosby

- B. [BILL NO. 17-281](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "THE MANOR AT STONEY CREEK, 2ND PLAT, LOTS 42-81 & TRACTS N-P", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

**ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Carlyle, that Bill No. 17-281 be advanced to second reading on January 4, 2018. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- C. [BILL NO. 17-282](#) AN ORDINANCE APPROVING AN INTERGOVERNMENTAL FACILITY USE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY, MISSOURI FOR THE USE OF THE LONGVIEW RECREATION CENTER AQUATICS FACILITY FOR LIFEGUARD TRAINING AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT.

**ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Seif, that Bill No. 17-282 be advanced to second reading on January 4, 2018. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**7. PROPOSED ORDINANCES - SECOND READING:**

- A.**     [AMENDED](#)     AN ORDINANCE APPROVING THE AWARD OF BID NO. 2018-001 FOR A  
[BILL NO.](#)           YEARLY TERM FOR CITY ORDERED TOW SERVICES TO RON'S AUTO &  
[17-270](#)           TRUCK TOWING, LLC AND AUTHORIZING THE CITY MANAGER TO  
EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.  
(F&BC 12-4-17)  
(Note: First Read by Council on December 14, 2017.)

**ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Amended Bill No. 17-270 be adopted and numbered Ord. No. 8317. The motion carried by the following vote:**

**Aye:** 5 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Faith  
Councilmember Forte  
Councilmember Seif

**Nay:** 3 - Councilmember Edson  
Councilmember Mosby  
Councilmember DeMoro

- B.**     [BILL NO.](#)     AN ORDINANCE AUTHORIZING THE CREATION OF A COMMUNITY  
[17-271](#)           FOUNDATION TO BE KNOWN AS THE CITY OF LEE'S SUMMIT  
COMMUNITY FOUNDATION; AND APPROVING THE BYLAWS OF THE  
SAME. (F&BC 12-4-17)  
(Note: First Read by Council on December 14, 2017.)

**ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 17-271 be adopted and numbered Ord. No. 8318. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

- C.**     [BILL NO.](#)     AN ORDINANCE AUTHORIZING THE FIRST AMENDMENT TO THE  
[17-272](#)           DEVELOPMENT AGREEMENT BETWEEN TOWNSEND SUMMIT, LLC AND  
THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE SUMMIT ORCHARD  
DEVELOPMENT.  
(Note: First Read by Council on December 14, 2017.)

**ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Carlyle, that Bill No. 17-272 be adopted and numbered Ord. No. 8319. The motion carried by the following vote:**

**Aye:** 8 - Councilmember Binney  
Councilmember Carlyle  
Councilmember Edson  
Councilmember Faith  
Councilmember Forte  
Councilmember Mosby  
Councilmember Seif  
Councilmember DeMoro

**8. COMMITTEE REPORTS (Committee chairs report on matters held in Committee):**

Councilmember Carlyle stated she had been given feedback about the January 2, 2018 Rules Committee meeting being too close to the holiday and asked to move the meeting to January 9, 2018. Other members of the Rules Committee agreed to that date. (After the meeting concluded the City Clerk found the meeting time would need to be changed as there was already a meeting in Council Chambers on that day and time.)

Councilmember Faith advised the Public Works Committee met this week and several of the ordinances from that meeting were already heard during the Council meeting tonight. He did advise they will continue to meet and discuss the 2017 CIP Sales Tax Prioritization of Projects and Programs.

**9. COUNCIL ROUNDTABLE:**

Councilmember Binney asked that the Law Department provide a quarterly update of legal proceedings with the city. Mr. Head, City Attorney, advised that was being done and they will continue to do so.

Councilmember Binney stated he would like have proceed with an RFQ to find out how to engage more citizens during the strategic planning process, see what other cities do and how this can be utilized by the city.

Councilmember Faith advised Congress adjourned today and a piece of legislation is set to expire on December 31, 2017. This legislation was for reimbursement of ambulance services by medicare. He believes Congress will reconsider when in session again, but would like to have to see how this affects the city while the 2% reimbursement is lost during this adjournment.

Councilmember Forte encouraged more people to go out and shop at actual stores and less online. She was disappointed to see so few people out shopping this holiday season as more and more are turning to online shopping.

Councilmember Forte stated she appreciates the smooth transition from Deputy City Clerk to City Clerk for Mrs. Fowler Arcuri and thanked her for her efforts.

Mayor Rhoads reminded everyone to come to City Hall to pay their taxes as the city receives a 1% stipend for these payments. He also advised the Treasury Department is providing extended hours through the end of the year to accommodate people paying their taxes.

**10. STAFF ROUNDTABLE:**

Mr. Steve Arbo, City Manager, advised Council the Public Works Department was already preparing the roads for a possible small storm that could bring freezing rain, snow and ice to Lee's Summit over the holiday weekend. A crew of 5 employees have already begun and will continue to treat the city streets with brine to assist with any possible accumulation on roadways.

**11. ADJOURNMENT**

There being no further business, Mayor Rhoads adjourned Regular Session No. 51 at 6:52 p.m.

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](http://www.cityofls.net)".

## Packet Information

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**File #:** 2017-1758, **Version:** 2

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Approval of change in managing officer for Quik Trip Store #208 at 800 NE Woods Chapel Road, and Quik Trip Store #200 at 120 SW M150 Highway.

**Key Issues:**

Change of managing officer to Jacob Harper for the **Quik Trip** stores #208 at 800 NE Woods Chapel Rd. and #200 at 120 SW M150 Hwy., LSMO. Both Quik Trips hold Liquor License Type H and S.

**Proposed City Council Motion:**

I move for approval of change in managing officer for Quik Trip Stores #200 and #208.

**Background:**

A background check was conducted on the new managing officer with no negative results found.

**Staff Recommendation:**

The Director of Liquor Control recommends approval of the change in managing officer for the **Quik Trip** stores #208 and #200.

To be completed by applicant as (check one):

Sole Owner & Operator ☐

Corporation ☒

Partnership ☐

LLC ☐

Corporation/LLC Name: QuikTrip Corporation

Business Name: QuikTrip #208R

Phone: \_\_\_\_\_

Business Address: 800 NE Woods Chapel Rd.

Lee's Summit, MO 64064

(I), (We), the undersigned, hereby apply to the City of Lee's Summit, MO, for the following described license:  
Type \_\_\_\_\_ for the premises described above.

Applicant's Name: Jake Harper

Phone: \_\_\_\_\_

Home Address: \_\_\_\_\_

Place of Birth: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Place of Employment (other than business): QuikTrip Corporation

Employment Address: 5725 Foxridge Dr, Mission, KS 66202

Phone: 913-362-3700

1. List all previous addresses, if less than five years at current address: \_\_\_\_\_

-

-

-

2. Are you a citizen of the United States of America? Yes If naturalized, give date and place of naturalization: \_\_\_\_\_

3. Will you be the person in active control and/or management (managing officer) of this business full-time? Yes If not, give complete details on the planned management and persons involved. \_\_\_\_\_

4. Have you or any person employed by you ever held any type of liquor license issued by the City of Lee's Summit or by the licensing authority of any state, county or city? Yes If so, please give details: All other QuikTrip locations.

5. Has any such license listed in question #4 ever been suspended or revoked? No If so, please give complete details: \_\_\_\_\_

6. Have you ever made application for a liquor license that was denied by the City of Lee's Summit or by the licensing authority of any state, county or city? No If so, please give complete details: \_\_\_\_\_  
\_\_\_\_\_
7. Have you or anyone interested either directly or indirectly in the premises to be licensed hereunder or the operation thereon ever been convicted of a felony? No If so, please give complete details: \_\_\_\_\_  
\_\_\_\_\_
8. If not a corporation/LLC, give names and business addresses of employers for the past five years. (If self-employed, state nature of business and location.): \_\_\_\_\_  
\_\_\_\_\_
9. Is the proposed location within 300 feet of a church or school? No
10. If existing business, from whom and when was the business purchased? New building.  
\_\_\_\_\_  
Effective date of possession: \_\_\_\_\_ Name of mortgage holder, if any: \_\_\_\_\_  
\_\_\_\_\_
11. Will any distiller, wholesaler, wine maker, brewer, or supplier, or coin operated, commercial, manual or mechanical amusement devices or the employees, officers or agents thereof, have any financial interest in the retail business of the applicant for the sale of alcoholic beverages, or "C.O.L.", and will the applicant directly or indirectly borrow or accept from any such persons equipment, money, credit, or property of any kind except ordinary commercial credit for liquor sold? No If so, please explain: \_\_\_\_\_  
\_\_\_\_\_
12. Will applicant either directly or indirectly borrow or accept from any person identified in #11 either equipment, money, credit or property of any kind except ordinary commercial credit for liquor sold? NA If so, please explain: \_\_\_\_\_  
\_\_\_\_\_
13. Will you at all times permit the entry of any officer or investigator who may have legal supervisory authority for the purpose of inspection or search; and will you permit the removal of all things and articles which may be in violation of the ordinances of Lee's Summit, Missouri, and the laws of the

State of Missouri; and do you promise and agree not to violate any of the ordinances of Lee's Summit, Missouri, the laws of the State of Missouri, or the United States in the conduct of the business for which the license is sought? Yes

**IF BUSINESS IS OWNED BY A CORPORATION, COMPLETE THIS SECTION:**

Name of corporation/LLC: \_\_\_\_\_

State in which incorporated: \_\_\_\_\_ Date of incorporation: \_\_\_\_\_

If not a Missouri corporation/LLC, date authorized to do business in Missouri: \_\_\_\_\_

Full name, complete residential address, date of birth and Social Security Number of the President, Vice President, Treasurer and Secretary of the corporation (or Members of the LLC): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If stock is not publicly held, give names and residential addresses of all stockholders who hold 10% or more of the capital stock: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

County of Jackson)

ss

State of Missouri)

I, Jake Harper, being of lawful age and duly sworn upon my oath,  
(Print Applicant's Name)

do swear that the answers and information given in this application are true and complete to the best of my knowledge and belief.

[Signature]  
Applicant's Signature

Subscribed and sworn to before me this 14<sup>th</sup> day of December, 2017

[Signature]  
Notary Public

My commission expires: 1/13/2020





**To Be Provided By Applicant:**

**1) The Applicant and/or Managing Officer (if different) shall provide:**

- a) Recent photograph;
- b) Copy of Missouri voter registration card;
- c) Copy of paid Missouri personal property tax receipt for year immediately preceding date of application
- d) Fingerprints (obtained at the Lee's Summit Police Department, Main Lobby, 10 NE Tudor Rd., Lee's Summit, MO). The Applicant and/or Managing Officer (if different) will be fingerprinted as will all officers, directors and any shareholder holding more than a ten percent (10%) interest in the business.

**2) Copy of Business License** (contact Treasury Department at 816-969-1139).

**3) Copy of Zoning Approval** (contact Planning & Development at 816-969-1600).

**4) If existing business location:**

- a) Copy of lease or mortgage showing Proof of Occupancy.
- b) Recent photographs of the interior and exterior of the premises to be licensed.

**5) For newly constructed or remodeled businesses:**

- a) Certificate of Occupancy Permit shall be obtained prior to the actual issuance of a city liquor license (contact Codes Administration at 816-969-1200).
- b) Complete description of the plans, specifications, and fixtures of the proposed place of business.

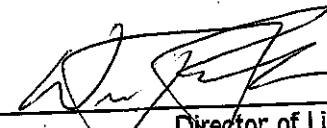
**6) Package Liquor Only:** Inventory Affidavit, notarized by the applicant, stating the type of business presently engaged in, or in conjunction with, which the license shall be used; **AND** stating that in his place of business the applicant has, and at all times keeps, a stock of goods having an invoice of at least \$1,000, exclusive of fixtures and intoxicating liquors.

**7) Appropriate license fee:** Make checks and money orders payable to the City of Lee's Summit.

**8) Estimated date of opening?** \_\_\_\_\_

**For Office Use Only:**

It is recommended this application be APPROVED / DISAPPROVED this 21<sup>st</sup> day of December, 2017.

  
\_\_\_\_\_  
Director of Liquor Control

City Council Action: ☐ Approved ☐ Disapproved Date: \_\_\_\_\_

To be completed by applicant as (check one):

Sole Owner & Operator ☐

Corporation ☒

Partnership ☐

LLC ☐

Corporation/LLC Name: QuikTrip Corporation

Business Name: QuikTrip #200R

Phone: \_\_\_\_\_

Business Address: 120 SW M-150 Hwy

Lee's Summit, MO 64082

(I), (We), the undersigned, hereby apply to the City of Lee's Summit, MO, for the following described license:  
Type \_\_\_\_\_ for the premises described above.

Applicant's Name: Jake Harper

Phone: \_\_\_\_\_

Home Address: \_\_\_\_\_

Place of Birth: Independence, MO

Date of Birth: \_\_\_\_\_

Place of Employment (other than business): QuikTrip Corporation

Employment Address: 5725 Foxridge Dr, Mission, KS 66202

Phone: \_\_\_\_\_

1. List all previous addresses, if less than five years at current address: \_\_\_\_\_

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

2. Are you a citizen of the United States of America? Yes If naturalized, give date and place of naturalization: \_\_\_\_\_

3. Will you be the person in active control and/or management (managing officer) of this business full-time? Yes If not, give complete details on the planned management and persons involved.

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

4. Have you or any person employed by you ever held any type of liquor license issued by the City of Lee's Summit or by the licensing authority of any state, county or city? Yes If so, please give details: All other QuikTrip locations.

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

5. Has any such license listed in question #4 ever been suspended or revoked? No If so, please give complete details: \_\_\_\_\_

\_\_\_\_\_

6. Have you ever made application for a liquor license that was denied by the City of Lee's Summit or by the licensing authority of any state, county or city? No If so, please give complete details: \_\_\_\_\_  
\_\_\_\_\_
7. Have you or anyone interested either directly or indirectly in the premises to be licensed hereunder or the operation thereon ever been convicted of a felony? No If so, please give complete details: \_\_\_\_\_  
\_\_\_\_\_
8. If not a corporation/LLC, give names and business addresses of employers for the past five years. (If self-employed, state nature of business and location.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Is the proposed location within 300 feet of a church or school? No
10. If existing business, from whom and when was the business purchased? New building.  
\_\_\_\_\_  
Effective date of possession: \_\_\_\_\_. Name of mortgage holder, if any: \_\_\_\_\_  
\_\_\_\_\_
11. Will any distiller, wholesaler, wine maker, brewer, or supplier, or coin operated, commercial, manual or mechanical amusement devices or the employees, officers or agents thereof, have any financial interest in the retail business of the applicant for the sale of alcoholic beverages, or "C.O.L.", and will the applicant directly or indirectly borrow or accept from any such persons equipment, money, credit, or property of any kind except ordinary commercial credit for liquor sold? No If so, please explain: \_\_\_\_\_  
\_\_\_\_\_
12. Will applicant either directly or indirectly borrow or accept from any person identified in #11 either equipment, money, credit or property of any kind except ordinary commercial credit for liquor sold? NA If so, please explain: \_\_\_\_\_  
\_\_\_\_\_
13. Will you at all times permit the entry of any officer or investigator who may have legal supervisory authority for the purpose of inspection or search; and will you permit the removal of all things and articles which may be in violation of the ordinances of Lee's Summit, Missouri, and the laws of the

State of Missouri; and do you promise and agree not to violate any of the ordinances of Lee's Summit, Missouri, the laws of the State of Missouri, or the United States in the conduct of the business for which the license is sought? Yes

**IF BUSINESS IS OWNED BY A CORPORATION, COMPLETE THIS SECTION:**

Name of corporation/LLC: \_\_\_\_\_

State in which incorporated: \_\_\_\_\_ Date of incorporation: \_\_\_\_\_

If not a Missouri corporation/LLC, date authorized to do business in Missouri: \_\_\_\_\_

Full name, complete residential address, date of birth and Social Security Number of the President, Vice President, Treasurer and Secretary of the corporation (or Members of the LLC): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If stock is not publicly held, give names and residential addresses of all stockholders who hold 10% or more of the capital stock: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

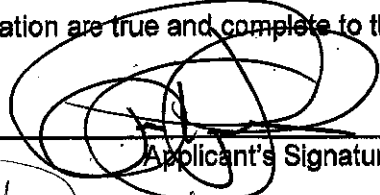
County of Jackson)

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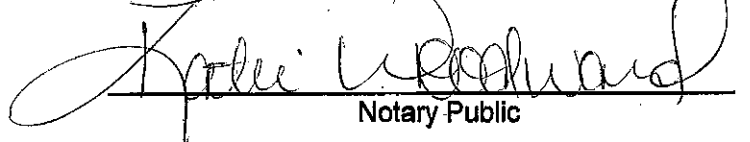
State of Missouri)

I, Jake Harper, being of lawful age and duly sworn upon my oath,  
(Print Applicant's Name)

do swear that the answers and information given in this application are true and complete to the best of my knowledge and belief.

  
Applicant's Signature

Subscribed and sworn to before me this 14<sup>th</sup> day of December, 2017

  
Notary Public

My commission expires: 1/13/2020



**To Be Provided By Applicant:**

**1) The Applicant and/or Managing Officer (if different) shall provide:**

- a) Recent photograph;
- b) Copy of Missouri voter registration card;
- c) Copy of paid Missouri personal property tax receipt for year immediately preceding date of application
- d) Fingerprints (obtained at the Lee's Summit Police Department, Main Lobby, 10 NE Tudor Rd., Lee's Summit, MO). The Applicant and/or Managing Officer (if different) will be fingerprinted as will all officers, directors and any shareholder holding more than a ten percent (10%) interest in the business.

**2) Copy of Business License (contact Treasury Department at 816-969-1139).**

**3) Copy of Zoning Approval (contact Planning & Development at 816-969-1600).**

**4) If existing business location:**

- a) Copy of lease or mortgage showing Proof of Occupancy.
- b) Recent photographs of the interior and exterior of the premises to be licensed.

**5) For newly constructed or remodeled businesses:**

- a) Certificate of Occupancy Permit shall be obtained prior to the actual issuance of a city liquor license (contact Codes Administration at 816-969-1200).
- b) Complete description of the plans, specifications, and fixtures of the proposed place of business.

**6) Package Liquor Only:** Inventory Affidavit, notarized by the applicant, stating the type of business presently engaged in, or in conjunction with, which the license shall be used; **AND** stating that in his place of business the applicant has, and at all times keeps, a stock of goods having an invoice of at least \$1,000, exclusive of fixtures and intoxicating liquors.

**7) Appropriate license fee:** Make checks and money orders payable to the City of Lee's Summit.

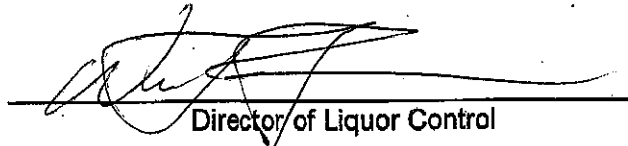
**8) Estimated date of opening?** \_\_\_\_\_

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**For Office Use Only:**

It is recommended this application be APPROVED / DISAPPROVED this 21<sup>st</sup> day of

December, 2017.

  
\_\_\_\_\_  
Director of Liquor Control

City Council Action: ☐ Approved ☐ Disapproved Date: \_\_\_\_\_

## Packet Information

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**File #:** 2017-1759, **Version:** 1

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Approval of a Liquor License Type "N" for Ted's Escondido Cafe 636 NE 291 Highway.

**Key Issues:**

Approval of a Liquor License Type "N" for Ted's Escondido Cafe 636 NE 291 Highway. They currently hold the G3 and S License.

**Proposed City Council Motion:**

I move for approval of a Liquor License Type "N" for Ted's Escondido Cafe 636 NE 291 Highway

**Background:**

A background check was conducted on the managing officer and owners with no negative information found.

**Staff Recommendation:**

The Director of Liquor Control recommends approval of the addition of the Type "N" Liquor Licence for **Ted's Escondido Cafe**.



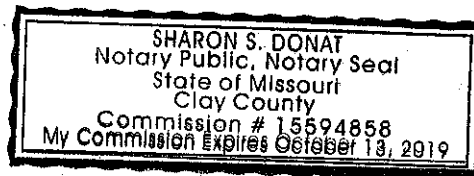
APPLICATION FOR LIQUOR LICENSE  
TYPE "N" - ANNUAL 50 DAY CATERER'S  
PERMIT (\$500.00)

Licensee's Name: TCE Lee's Summit, LLC  
Business Address: 636 NE 291 HWY Phone: \_\_\_\_\_  
Type of Current Liquor License Held: G3 & S License #: 17-256  
Applicant's Name: Danny Raquasa  
Applicant's Address: \_\_\_\_\_

Applicant will report to the Lee's Summit Police Department Liquor Control Division the location and type of each function FIVE BUSINESS DAYS in advance of the event. Notification may be made to the Police Department in person or by mail. A State of Missouri Annual Caterer's Permit and written permission of the property owner must also be provided.

\*All provisions of the Liquor Control Code and State Liquor Control Law shall extend to such location and will be enforced. No package sales are permitted.

State of Missouri)  
County of Jackson) SS



I, (please print) Danny Raquasa being of lawful age and duly sworn upon my oath, do swear that the answers and information given in this application are true and complete to the best of my knowledge and belief.

[Signature]  
Applicant

Subscribed and sworn to before me on this 13 day of December, 2017  
My commission expires 10/13/19

[Signature]  
Notary Public

It is recommended this application be APPROVED / DISAPPROVED this 19<sup>th</sup> day of December, 2017.

[Signature]  
Director of Liquor Control



December 20, 2017

LSPD Police Records Unit  
Attn: Elyane Lynch  
10 NE Tudor Rd.  
Lee's Summit, MO 64086

RE: TCE Lee's Summit, LLC d/b/a Ted's Café Escondido

Dear Ms. Lynch,

On behalf of the above referenced entity, we would like to upgrade our City of Lee's Summit-"G3 Alcoholic Beverage License" to an "N" License to include catering. We greatly appreciate your consideration and assistance in this matter.

Feel free to contact the Ted's Café Escondido Corporate Office with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Neal Keith Miller".

Neal Keith Miller  
Chief Financial Officer  
Ted's Café Escondido Restaurants



## Packet Information

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**File #:** BILL NO. 17-281, **Version:** 2

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AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "THE MANOR AT STONEY CREEK, 2<sup>ND</sup> PLAT, LOTS 42-81 & TRACTS N-P", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: This Bill was first read on December 21, 2017 and passed by unanimous vote.)

Proposed City Council Motion:

I move for a second reading of AN ORDINANCE ACCEPTING FIANL PLAT "THE MANOR AT STONEY CREEK, 2<sup>ND</sup> PLAT, LOTS 42-81 & TRACTS N-P IN THE CITY OF LEE'S SUMMIT, MISSOURI.

Committee Recommendation: **PLANNING COMMISSION ACTION:** On October 11, 2016 by motion of Mr. Delibero and seconded by Ms. Roberts the Planning Commission voted unanimously by voice vote to **APPROVE** the Consent Agenda which included **Appl. #PL2016-104 - FINAL PLAT - The Manor at Stoney Creek, 2nd Plat, Lots 42-81 & Tracts N-P; Engineering Solutions, LLC, Inc., applicant.**

## **BILL NO. 17-281**

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AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "THE MANOR AT STONEY CREEK, 2<sup>ND</sup> PLAT, LOTS 42-81 & TRACTS N-P", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2016-104, submitted by Engineering Solutions, LLC, requesting approval of the final plat entitled "The Manor at Stoney Creek, 2<sup>nd</sup> Plat, Lots 42-81 & Tracts N-P", was referred to the Planning Commission as required by the Unified Development Ordinance No. 5209; and,

WHEREAS, the Planning Commission considered the final plat on October 11, 2016, and rendered a report to the City Council recommending that the plat be approved.

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

SECTION 1. That the final plat entitled "The Manor at Stoney Creek, 2<sup>nd</sup> Plat, Lots 42-81 & Tracts N-P" is a subdivision in the SW Quarter of Section 36, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

*ALL THAT PART OF THE SOUTHWEST ¼ OF SECTION 36, TOWNSHIP 47 NORTH, RANGE 32 WEST, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 47, RANGE 32; THENCE SOUTH 87°59'32" EAST, ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 40.00 FEET; THENCE NORTH 02°08'23" EAST, LEAVING SAID SOUTH LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF PRYOR ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 02°08'23" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 398.68 FEET; THENCE SOUTH 87°51'37" EAST, LEAVING THE EAST RIGHT OF WAY LINE, A DISTANCE OF 10.00 FEET; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT WITH AN INITIAL TANGENT BEARING OF SOUTH 06°24'34" EAST, A RADIUS OF 450.00 FEET, AND AN ARC LENGTH OF 516.05 FEET; THECNE NORTH 17°53'04" EAST A DISTANCE OF 125.00 FEET; THENCE WESTERLY ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF NORTH 72°06'56" WEST, A RADIUS OF 325.00 FEET AND AN ARC LENGTH OF 45.10 FEET; THENCE NORTH 25°50'08" EAST A DISTANCE OF 170.00 FEET; THECNE EASTERLY ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF SOUTH 64°09'52" EAST, A RADIUS OF 155.00 FEET, AND AN ARC LENGTH OF 64.43 FEET TO A POINT OF TANGENCY; THECNE SOUTH 87°58'58" EAST A DISTANCE OF 861.93 FEET; THENCE NORTH 02°12'45" EAST A DISTANCE OF 330.33 FEET; THENCE SOUTH 87°54'30" EAST A DISTANCE OF 120.00 FEET; THENCE NORTH 02°12'45" EAST A DISTANCE OF 19.83 FEET; THENCE SOUTH 87°58'58" EAST A DISTANCE OF 170.00 FEET; THENCE SOUTH 02°12'45" WEST A DISTANCE OF 659.34 FEET, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SW COUNTY LINE ROAD; THENCE NORTH 87°59'32" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1606.87 FEET TO THE POINT OF BEGINNING.*

## BILL NO. 17-281

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*THE ABOVE DESCRIBED TRACT CONTAINS 537,903.52 SQUARE FEET (12.35 ACRES) MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, CONDITIONS AND RIGHT OF WAYS, RECORDED OR UNRECORDED IF ANY.*

SECTION 2. That the proprietor of the above described tract of land ("Proprietor") has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall hereafter be known as "The Manor at Stoney Creek, 2<sup>nd</sup> Plat, Lots 42-81 & Tracts N-P".

SECTION 3. That the roads and streets shown on this plat and not heretofore dedicated to public use as thoroughfares shall be dedicated as depicted on the plat. The City Council hereby authorizes the Director of Planning and Special Projects, on behalf of the City of Lee's Summit, Missouri, to accept the land or easements dedicated to the City of Lee's Summit for public use and shown on the accompanying plat, upon the subdivider filing and recording a final plat in accordance with Article 16, Subdivisions, Unified Development Ordinance ("UDO") of the City, which plat shall conform to the accompanying plat, and hereby authorizes acceptance of the public improvements required by this ordinance and Article 16 of the UDO of the City, upon the Director of Public Works certifying to the Director of Planning and Special Projects and the City Clerk that the public improvements have been constructed in accordance with City standards and specifications.

SECTION 4. That the approval granted by this ordinance is done under the authority of Section 89.410.2 of the Revised Statutes of Missouri and Section 16.340 of the UDO because all subdivision-related public improvements required by the UDO have not yet been completed. In lieu of the completion and installation of the subdivision-related public improvements prior to the approval of the plat, the Proprietor has, in accordance with Section 16.340 of the UDO, deposited an irrevocable **letter of credit** to secure the actual construction and installation of said public improvements, and the City hereby accepts same. No building permit shall be issued until the required public improvements are available to each lot for which a building permit is requested in accordance with the Design and Construction Manual.

SECTION 5. That an easement shall be granted to the City of Lee's Summit, Missouri, to locate, construct and maintain or to authorize the location, construction, and maintenance of poles, wires, anchors, conduits, and/or structures for water, gas, sanitary sewer, storm sewer, surface drainage channel, electricity, telephone, cable TV, or any other necessary public utility or services, any or all of them, upon, over, or under those areas outlined or designated upon this plat as "Utility Easements" (U.E.) or within any street or thoroughfare dedicated to public use on this plat. Grantor, on behalf of himself, his heirs, his assigns and successors in interest, shall waive, to the fullest extent allowed by law, including, without limitation, Section 527.188, RSMo. (2006), any right to request restoration of rights previously transferred and vacation of any easement granted by this plat.

SECTION 6. That building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be constructed between this line and the street right-of-way line.

## **BILL NO. 17-281**

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SECTION 7. That individual lot owner(s) shall not change or obstruct the drainage flow lines on the lots.

SECTION 8. That the final plat substantially conforms to the approved preliminary plat and to all applicable requirements of the Code.

SECTION 9. That the City Council for the City of Lee's Summit, Missouri, does hereby approve and accept, as a subdivision to the City of Lee's Summit, Missouri, the final plat entitled "The Manor at Stoney Creek, 2<sup>nd</sup> Plat, Lots 42-81 & Tracts N-P", attached hereto and incorporated herein by reference.

SECTION 10. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council for the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*

TOTAL COST OF REMAINING ITEMS TO COMPLETE FOR THE MANOR AT STONEY CREEK 2nd PLAT AS OF 11/28/2017

	Unit	Contract Quantity	Quantity Completed to Date	Quantity Remaining to Complete	Unit Price	Contract Total Cost	Completed to Date	Cost to Complete
Stabilize Construction Entrance	LS	3	3		\$ 1,550.00	\$ 4,650.00	\$ 4,650.00	\$ -
Silt Fence	LF	10100	5427	4673	\$ 1.50	\$ 15,150.00	\$ 8,140.50	\$ 7,009.50
Inlet Protection	EA	27	27	0	\$ 80.00	\$ 2,160.00	\$ 2,160.00	\$ -
Rock Sediment Trap	EA	0	0	0	\$ -	\$ -	\$ -	\$ -
Rock Check Dam	EA	2	2	0	\$ 360.00	\$ 720.00	\$ 720.00	\$ -
Turf Reinforcement Matting	SY	5660	1100	4560	\$ 2.10	\$ 11,886.00	\$ 2,310.00	\$ 9,576.00
Seeding, Fertilizer and Crimp Straw	ACRE	38	8.6	29.4	\$ 1,400.00	\$ 53,200.00	\$ 12,040.00	\$ 41,160.00
SWPPP Inspection Form Reporting	EA	24	24	0	\$ 100.00	\$ 2,400.00	\$ 2,400.00	\$ -
<b>Total Erosion Control</b>						<b>\$ 90,166.00</b>	<b>\$ 32,420.50</b>	<b>\$ 57,745.50</b>
Roadway & Site Grading (Cost based upon 95,000 CY Fill & 95,000 CY Cut)	LS	1	95%	5%	\$ 431,000.00	\$ 431,000.00	\$ 409,450.00	\$ 21,550.00
Tree Clearing & Removal	LS	1	100%	0%	\$ 39,000.00	\$ 39,000.00	\$ 39,000.00	\$ -
BMP Permiabile soil mix & Plantings	SF	11814	0	11814	\$ 7.00	\$ 82,698.00	\$ -	\$ 82,698.00
Maintenance Bond	LS	1	0	1	\$ 3,000.00	\$ 3,000.00	\$ -	\$ 3,000.00
<b>Total Grading</b>						<b>\$ 555,698.00</b>	<b>\$ 448,450.00</b>	<b>\$ 107,248.00</b>
6" Asphalt Pavement	SY	6360	0	6360	\$ 20.65	\$ 131,334.00	\$ -	\$ 131,334.00
6" MODOT Type 5 Subase & Biaxial Geogrid	SY	8318	7486.2	831.8	\$ 8.05	\$ 66,959.90	\$ 60,263.91	\$ 6,695.99
Concrete Curb Type "CG-2"	LF	4417	0	4417	\$ 14.50	\$ 64,046.50	\$ -	\$ 64,046.50
5' Concrete sidewalk	SF	400	0	400	\$ 7.00	\$ 2,800.00	\$ -	\$ 2,800.00
ADA Ramps	EA	2	0	2	\$ 1,350.00	\$ 2,700.00	\$ -	\$ 2,700.00
Street Signs	EA	1	0	1	\$ 3,000.00	\$ 3,000.00	\$ -	\$ 3,000.00
Pavement Markings	LS	1	0	1	\$ 4,000.00	\$ 4,000.00	\$ -	\$ 4,000.00
Subgrade Compaction Testing	LS	1	0	1	\$ 2,000.00	\$ 2,000.00	\$ -	\$ 2,000.00
Maintenance Bond	LS	1	0	1	\$ 1,500.00	\$ 1,500.00	\$ -	\$ 1,500.00
<b>Total Asphalt Pavement &amp; Concrete</b>						<b>\$ 278,340.40</b>	<b>\$ 60,263.91</b>	<b>\$ 218,076.49</b>
4" PVC SDR 26	LF	3067	3067	0	\$ 24.00	\$ 73,608.00	\$ 73,608.00	\$ -
8" PVC SDR 26	LF	167	167	0	\$ 28.00	\$ 4,676.00	\$ 4,676.00	\$ -
12" PVC SDR 26	LF	2351	2351	0	\$ 33.00	\$ 77,583.00	\$ 77,583.00	\$ -
15" PVC SDR 26	LF	1642	1642	0	\$ 39.00	\$ 64,038.00	\$ 64,038.00	\$ -
8" x 4" Service Tee	EA	6	6	0	\$ 50.00	\$ 300.00	\$ 300.00	\$ -
12" x 4" Service Tee	EA	41	41	0	\$ 170.00	\$ 6,970.00	\$ 6,970.00	\$ -
15" x 4" Service Tee	EA	28	28	0	\$ 240.00	\$ 6,720.00	\$ 6,720.00	\$ -
Ditch Checks	EA	75	75	0	\$ 60.00	\$ 4,500.00	\$ 4,500.00	\$ -
4' DIA Manhole	EA	18	18	0	\$ 3,300.00	\$ 59,400.00	\$ 59,400.00	\$ -
Remove existing Manhole U-1	EA	1	1	0	\$ 300.00	\$ 300.00	\$ 300.00	\$ -
Connect to Existing	LS	4	4	0	\$ 1,500.00	\$ 6,000.00	\$ 6,000.00	\$ -
Testing	LS	1	50%	50%	\$ 7,000.00	\$ 7,000.00	\$ 3,500.00	\$ 3,500.00
Maintenance Bond	LS	1	0	1	\$ 2,300.00	\$ 2,300.00	\$ -	\$ 2,300.00
<b>Total Sanitary</b>						<b>\$ 313,395.00</b>	<b>\$ 307,595.00</b>	<b>\$ 5,800.00</b>
15" HDPE Pipe	LF	355	355	0	\$ 44.00	\$ 15,620.00	\$ 15,620.00	\$ -
18" HDPE Pipe	LF	458	458	0	\$ 47.00	\$ 21,526.00	\$ 21,526.00	\$ -
24" HDPE Pipe	LF	728	728	0	\$ 52.00	\$ 37,856.00	\$ 37,856.00	\$ -
30" HDPE Pipe	LF	526	526	0	\$ 59.00	\$ 31,034.00	\$ 31,034.00	\$ -
36" HDPE Pipe	LF	864	864	0	\$ 65.00	\$ 56,160.00	\$ 56,160.00	\$ -
42" HDPE Pipe	LF	554	346	208	\$ 73.00	\$ 40,442.00	\$ 25,258.00	\$ 15,184.00
48" HDPE Pipe	LF	282	282	0	\$ 85.00	\$ 23,970.00	\$ 23,970.00	\$ -
60" HDPE Pipe	LF	122	122	0	\$ 118.00	\$ 14,396.00	\$ 14,396.00	\$ -
5' X 4' Curb Inlet	EA	13	13	0	\$ 3,800.00	\$ 49,400.00	\$ 49,400.00	\$ -
5' X 5' Field Inlet	EA	13	12	1	\$ 3,600.00	\$ 46,800.00	\$ 43,200.00	\$ 3,600.00
5' X 5' Junction Box	EA	2	2	0	\$ 4,300.00	\$ 8,600.00	\$ 8,600.00	\$ -
Detention Outlet Structure	EA	1	1	0	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ -
24" FES	EA	1	1	0	\$ 1,300.00	\$ 1,300.00	\$ 1,300.00	\$ -
36" FES	EA	1	1	0	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ -
60" FES	EA	1	1	0	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ -
Rip Rap	CY	30	30	0	\$ 90.00	\$ 2,700.00	\$ 2,700.00	\$ -
Connection to Existing	LS	3	2	1	\$ 1,500.00	\$ 4,500.00	\$ 3,000.00	\$ 1,500.00
Maintenance Bond	LS	1	0	1	\$ 2,800.00	\$ 2,800.00	\$ -	\$ 2,800.00
<b>Total Storm</b>						<b>\$ 367,604.00</b>	<b>\$ 344,520.00</b>	<b>\$ 23,084.00</b>
8" PVC C900	LF	2110	230	1880	\$ 31.00	\$ 65,410.00	\$ 7,130.00	\$ 58,280.00
Convert Temporary Fire Hydrant to Permanent	EA	1	0	1	\$ 500.00	\$ 500.00	\$ -	\$ 500.00
New Fire Hydrant & Thrust Block	EA	5	0	5	\$ 4,000.00	\$ 20,000.00	\$ -	\$ 20,000.00
8" Gate Valve	EA	8	2	6	\$ 1,000.00	\$ 8,000.00	\$ 2,000.00	\$ 6,000.00
12" Gate Valve	EA	2	0	2	\$ 1,300.00	\$ 2,600.00	\$ -	\$ 2,600.00
8" 45 Bend & Thrust Block	EA	2	2	0	\$ 250.00	\$ 500.00	\$ 500.00	\$ -
8" x 8" Tee & Thrust Block	EA	3	1	2	\$ 400.00	\$ 1,200.00	\$ 400.00	\$ 800.00
8" x 12" Tee & Thrust Block	EA	2	0	2	\$ 500.00	\$ 1,000.00	\$ -	\$ 1,000.00
Connection to Existing	LS	3	0	3	\$ 1,000.00	\$ 3,000.00	\$ -	\$ 3,000.00
Testing & Samples	LS	1	0	1	\$ 2,000.00	\$ 2,000.00	\$ -	\$ 2,000.00
Maintenance Bond	LS	1	0	1	\$ 800.00	\$ 800.00	\$ -	\$ 800.00
<b>Total Water</b>						<b>\$ 105,010.00</b>	<b>\$ 10,030.00</b>	<b>\$ 94,980.00</b>
Rock Spoil Haul Off	CY	2000	0	2000	\$ 15.00	\$ 30,000.00	\$ -	\$ 30,000.00
<b>Total Cost to Complete</b>						<b>\$ 1,740,213.40</b>	<b>\$ 1,203,279.41</b>	<b>\$ 536,933.99</b>







**U.S. Bank National Association**  
Standby Letters of Credit: BC-MN-H20G  
800 Nicollet Mall  
Minneapolis, Minnesota 55402

SWIFT: USBKUS44  
TELEX:  
Phone: 612-303-7321  
612-303-7395  
Fax: 612-303-5226

**IRREVOCABLE STANDBY LETTER OF CREDIT NO. SLCMMSP08817**

**December 8, 2017**

City of Lee's Summit  
Finance Department  
Attn: Conrad Lamb, Finance Director  
220 SE Green Street  
Lee's Summit, MO 64063

Issue Date: December 8, 2017

Expiration Date: December 4, 2018

We hereby issue our IRREVOCABLE STANDBY LETTER OF CREDIT ("Letter of Credit") in your favor for the account of Clayton Properties Group, Inc. DBA Summit Homes, 5000 Clayton Road, Maryville, TN 37804 ("Obligee") for a maximum aggregate amount not exceeding Five Hundred Thirty Six Thousand Nine Hundred Thirty Three and 99/100 U.S. Dollars (\$536,933.99) representing the following:

Completion of Erosion Control, Grading, Asphalt Pavement & Concrete, Sanitary, Storm, & Water installation ("Improvements")

required for The Manor at Stoney Creek 2nd Plat ("Project") and according to Manor 2nd Plat - Cost to Complete 11.28.17.pdf.

The City may draw upon this Letter of Credit upon written notification to the Bank that the Obligee has defaulted in its obligation to the City to construct, install and / or complete the development related Improvements required for the Project by December 4, 2018 ("Initial Expiration Date") or if the Obligee has failed to post a new Letter of Credit or other sufficient security approved by the City's Director of Finance, prior to Initial Expiration Date, securing the construction, installation and / or completion of the Improvements.

The written notification shall be on official City letterhead, signed by the City Manager, the City's Finance Director, or other authorized official of the City. The amount of the Letter of Credit shall be reduced automatically by the amount of any draw hereunder. The original of this Letter of Credit (and any amendments thereto) must accompany any presented documents.

We hereby agree with you that all drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored upon the presentation and delivery of documents as specified to us at the address specified above, no later than the Initial Expiration Date.

It is a condition of this Letter of Credit that it shall be deemed automatically extended, without amendment, for one year from the Initial Expiration Date hereof, unless at least 60 days prior to such date, we shall send you written notice, via certified mail or overnight courier, that we elect not to consider this Letter of Credit renewed for such additional one-year period.

Continued on Page 2



**U.S. Bank National Association**

Standby Letters of Credit: BC-MN-H20G  
800 Nicollet Mall  
Minneapolis, Minnesota 55402

SWIFT: USBKUS44  
TELEX:  
Phone: 612-303-7321  
612-303-7395  
Fax: 612-303-5226

SLCMMSP08817  
December 8, 2017  
Page 2

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (2007 revision) for the International Chamber of Commerce, ICC Publication No. 600, and to the extent not inconsistent therewith the laws of the State of Missouri, including without limitation the Uniform Commercial Code in effect therein.

We shall not be liable for any delay, non-return of documents, non-payment, or other action or inaction compelled by a judicial order or by any law or regulation applicable to us.

U.S. Bank National Association

  
\_\_\_\_\_  
Authorized Signature





# City of Lee's Summit

## Department of Planning & Codes Administration

October 7, 2016

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director   
RE: **Appl. #PL2016-104 – FINAL PLAT – The Manor at Stoney Creek, 2<sup>nd</sup> Plat, Lots 42-81 & Tract N-P; Engineering Solutions, LLC, applicant**

### Commentary

This final plat application is for *The Manor at Stoney Creek, 2<sup>nd</sup> Plat, Lots 42-81 & Tracts N-P*, located on the north side of SW County Line Rd., east of SW Pryor Rd. The proposed final plat consists of 40 lots and three common area tracts on 12.35 acres. The proposed final plat is substantially consistent with the approved preliminary plat.

- 40 lots and 3 common area tracts on 12.35 acres
- 3.23 units/acre, including common area
- 3.73 units/acre, excluding common area

### Subdivision-Related Public Improvements

In accordance with UDO Section 16.340, prior to an ordinance being placed on a City Council agenda for the approval of a final plat, all subdivision-related public improvements shall be constructed and a Certificate of Final Acceptance shall be issued. In lieu of completion of the public improvements and the issuance of a certificate, financial security (an escrow secured with cash, an irrevocable letter of credit, or a surety bond) may be provided to the City to secure the completion of all public improvements.

A Certificate of Final Acceptance has not been issued for the subdivision-related public infrastructure, nor has any form of financial security been received to secure the completion of the public improvements. This application will be placed on hold following Planning Commission action until the infrastructure requirements are met.

### Recommendation

Staff recommends **APPROVAL** of the final plat.

### Project Information

**Proposed Use:** single-family residential subdivision

**Number of Lots:** 40 lots and 3 common area tracts

**Land Area:** 12.35 acres; 10.7 acres, excluding common area

**Density:** 3.23 units/acre; 3.73 units/acre, excluding common area

**Location:** north side of SW County Line Rd., east of SW Pryor Rd.

**Zoning:** R-1 (Single-Family Residential)

**Surrounding zoning and use:**

**North:** R-1 (Single-Family Residential)—future phase of *The Manor at Stoney Creek*

**South (across SW County Line Rd):** PMIX (Planned Mixed Use)—Kensington Farms subdivision

**East:** R-1 (Single-Family Residential)—The Manor at Stoney Creek, 1<sup>st</sup> Plat

**West (across SW Pryor Rd.):** AG (Agricultural)—large lot residential

## Background

- August 12, 1986 – The City Council approved a rezoning (Appl. #1986-034) from A to R-1 for approximately 150 acres west of Ward Road by Ordinance No. 2845.
- September 24, 2002 – The Planning Commission approved a preliminary plat for Stoney Creek and Parkwood at Stoney Creek containing 383 lots on 142 acres (Appl. #2002-136). The preliminary plat showed 15 phases, 5 of which had already been platted by that time. A condition of approval was that Stoney Creek Drive must be extended to connect to County Line Road in Phase 10.
- October 17, 2002 – The City Council approved a rezoning (Appl. #2002-135) from AG to R-1 for 70 acres in Stoney Creek and Parkwood at Stoney Creek by Ordinance No. 5411.
- 1997 thru 2012 – Preliminary and final plats were approved for Stoney Creek Estates Plats 1-6 and Parkwood at Stoney Creek, Plats 1-5.
- August 28, 2012 – The Planning Commission approved a revised preliminary plat (Appl. #PL2012-091) for the remainder of Stoney Creek Estates and Parkwood at Stoney Creek, Lots 239-414.
- May 20, 2013 – The City Council approved the Escrow Agreement between the City and Stoney Creek Development, LLC to collect funds on a per lot basis for any future plat after Parkwood at Stoney Creek, 5<sup>th</sup> Plat to fund the construction of a portion of Stoney Creek Drive, by Ordinance No. 7325.
- January 8, 2014 – The Escrow Agreement with the City for the Stoney Creek subdivision was reassigned from Stoney Creek Development, LLC, to Griffin Riley Investments, LLC.
- January 23, 2014 – The City Council approved the final plat (Appl. #PL2013-054) for Parkwood at Stoney Creek, 6<sup>th</sup> Plat, by Ordinance No. 7420. The City Council also approved the vacation of right-of-way (Appl. #PL2013-082) for the temporary cul-de-sac on Whistle Drive (Parkwood at Stoney Creek, 5<sup>th</sup> Plat) by Ordinance No. 7421.
- March 25, 2014 – The Planning Commission recommended approval of the final plat (Appl. #PL2013-147) for Stoney Creek Estates, 7<sup>th</sup> Plat (now referred to as The Manor at Stoney Creek, 1<sup>st</sup> Plat).
- November 21, 2014 – The City Council approved the final plat (Appl. #PL2013-147) for The Manor at Stoney Creek, 1<sup>st</sup> Plat, Lots 1-41 & Tract M, by Ordinance No. 7540.

## Code and Ordinance Requirements to be met Following Approval

*The items in the box below are specific to this subdivision and must be satisfactorily addressed in order to bring this plat into compliance with the Codes and Ordinances of the City.*

### Engineering

1. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, streets and erosion and sediment control shall be submitted along with the final

plat and approved prior to the approval of the final plat. All public infrastructure must be substantially complete, prior to the issuance of any building permits.

2. A Master Drainage Plan (MDP) shall be submitted and approved in accordance with the City's Design and Construction Manual for all areas of the development, including all surrounding impacted areas, along with the engineering plans for the development. The MDP shall address drainage level of service issues on an individual lot basis.
3. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
4. All subdivision-related public improvements must have a Certificate of Final Acceptance prior to approval of the final plat, unless security is provided in the manner set forth in the City's Unified Development Ordinance (UDO) Section 16.340. If security is provided, building permits may be issued upon issuance of a Certificate of Substantial Completion of the public infrastructure as outlined in Section 1000 of the City's Design and Construction Manual.
5. The As-graded Master Drainage Plan shall be submitted to and accepted by the City prior to the issuance of a Certificate of Substantial Completion and prior to the issuance of any building permits for the development.
6. A Land Disturbance Permit shall be obtained from the City prior to any land disturbance activities of 2,000 square feet or more of disturbed area.
7. All permanent off-site easements, in a form acceptable to the City, shall be executed and recorded with the Jackson County Recorder of Deeds prior to the issuance of a Certificate of Substantial Completion. A certified copy shall be submitted to the City for verification.
8. A restriction note shall be included on the final plat stating: "Individual lot owner(s) shall not change or obstruct the drainage flow paths on the lots, as shown on the Master Drainage Plan, unless specific application is made and approved by the City Engineer."

#### **Fire**

9. All issues pertaining to life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to the safety to fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.

#### **Planning and Codes Administration**

10. Sign permits shall be obtained prior to installation of any signs through the Department of Planning and Codes Administration. All signs proposed must comply with the sign requirements as outlined in the sign section of the Unified Development Ordinance.
11. No final plat shall be recorded by the developer until the Director of Planning and Codes Administration and the City Attorney have reviewed and approved the declaration of covenants and restrictions pertaining to common property as prepared in accordance with Section 5.330 of the UDO, and until the Director has received certification from the Missouri Secretary of State verifying the existence and good standing of the property owners' association required by Section 5.340 of the UDO. In addition, the approved Declaration of Covenants, Conditions and Restrictions shall be recorded prior to the recording of the final plat.

12. A final plat shall be approved and recorded (with the necessary copies returned to Planning and Codes Administration) prior to any building permits being issued. All subdivision-related public improvements must be complete prior to approval of the final plat by the City Council unless security is provided in the manner set forth in UDO Section 16.340.
13. Each lot and tract shall be labeled with its respective address.
14. The initials MMC shall be added to the City Clerk's signature block.

RGM/jmt

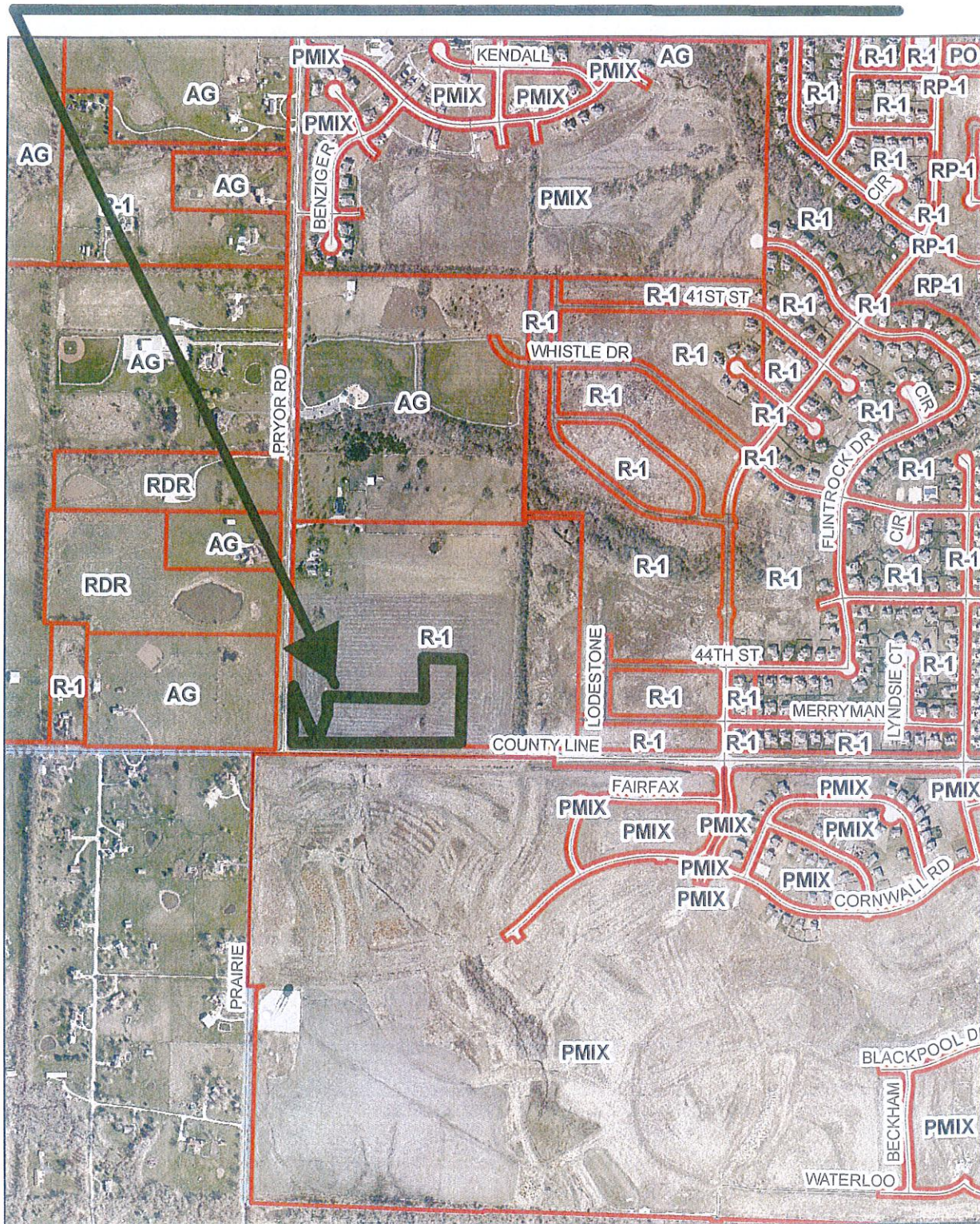
Attachments:

1. Final Plat, date stamped September 20, 2016 – 1 page
2. Single-family Residential Compatibility, date stamped September 20, 2016 – 3 pages
3. Location Map





PL#201-104 - PRELIMINARY PLAT  
THE MANOR AT STONEY CREEK, LOTS 42-81 & TRACTS N-P  
ENGINEERING SOLUTIONS, LLC, APPLICANT





## Packet Information

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**File #:** BILL NO. 17-282, **Version:** 1

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AN ORDINANCE APPROVING AN INTERGOVERNMENTAL FACILITY USE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY, MISSOURI FOR THE USE OF THE LONGVIEW RECREATION CENTER AQUATICS FACILITY FOR LIFEGUARD TRAINING AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT.

(Note: This Bill was first read on December 21, 2017 and passed by unanimous vote.)

Issue/Request:

AN ORDINANCE APPROVING AN INTERGOVERNMENTAL FACILITY USE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY, MISSOURI FOR THE USE OF THE LONGVIEW RECREATION CENTER AQUATICS FACILITY FOR LIFEGUARD TRAINING AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT.

Key Issues:

- Lee's Summit Parks and Recreation (LSPR) begins lifeguard training each spring in preparation for the upcoming summer pool season.
- LSPR has historically partnered with Longview Community College for use of their indoor aquatics facility for lifeguard training.
- Facility rental rates are \$25.00 per hour, with an additional \$1.00 per hour charge for each trainee over twenty (20) with a total not to exceed amount of \$2,700.00 for the term of the agreement.
- Trainings are scheduled to take place from March through July, 2018.
- Because the City and the Junior College District of Metropolitan Kansas City, Missouri, of which Longview Community College is a part, are both political subdivisions of the State of Missouri, any and all agreements between the parties, including facility use agreements, are considered intergovernmental agreements which require approval by the City Council in order for the Mayor to execute.

Proposed City Council Motion:

I MOVE FOR SECOND READING OF AN ORDINANCE APPROVING AN INTERGOVERNMENTAL FACILITY USE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY, MISSOURI FOR THE USE OF THE LONGVIEW RECREATION CENTER AQUATICS FACILITY FOR LIFEGUARD TRAINING AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT.

Background:

[Enter text here]

Impact/Analysis:

[Enter text here]

Timeline:

Start: \_\_\_\_

Finish: \_\_\_\_

Other Information/Unique Characteristics:

[Enter text here]

Presenter: [Enter Presenter Here]

Recommendation: [Enter Recommendation Here]

Committee Recommendation: [Enter Committee Recommendation text Here]



## **BILL NO. 17-282**

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AN ORDINANCE APPROVING AN INTERGOVERNMENTAL FACILITY USE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY, MISSOURI FOR THE USE OF THE LONGVIEW RECREATION CENTER AQUATICS FACILITY FOR LIFEGUARD TRAINING AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY OF LEE'S SUMMIT.

WHEREAS, the City of Lee's Summit is a constitutional charter City, organized and existing under the laws of the State of Missouri (hereinafter "City"); and,

WHEREAS, the Junior College District of Metropolitan Kansas City, Missouri (a/k/a Metropolitan Community College) is a governmental entity organized and existing under the laws of the State of Missouri (hereinafter "Longview"); and,

WHEREAS, Lee's Summit Parks and Recreation (hereinafter "LSPR") regularly partners with Longview with regard to facility use and other programming; and,

WHEREAS, LSPR has upcoming lifeguard training classes and desires to hold said classes at the Longview Recreation Center's aquatic facility; and

WHEREAS, Longview has agreed to the schedule for training and has provided terms and conditions to the City with respect to LSPR's use of the facility, to which the City consents; and

WHEREAS, the parties have negotiated the terms and conditions of said use and have memorialized the same in the Facility Use Agreement, attached hereto as Exhibit A and incorporated herein as though fully set forth, and the parties desire to execute this Agreement in order to formalize the same.

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

SECTION 1. That the Facility Use Agreement by and between the City of Lee's Summit, Missouri and the Junior College District of Metropolitan Kansas City, Missouri a/k/a Metropolitan Community College for LSPR's use of the Longview Recreation Center Aquatics Facility for the purpose of conducting lifeguard training, a true and accurate copy of the same being attached hereto as Exhibit A and incorporated herein by reference be and the same is hereby approved, and the Mayor is hereby authorized to execute the same by and on behalf of the City of Lee's Summit, Missouri.

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

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

**BILL NO. 17-282**

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PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

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

ATTEST:

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*

## **FACILITY USE AGREEMENT**

This Facility Use Agreement (Agreement) is made by and between the Junior College District of Metropolitan Kansas City, Missouri aka Metropolitan Community College (MCC), a public community college district and political subdivision of the State of Missouri, whose principal office is located at 3200 Broadway, Kansas City, Missouri 64111, and City of Lee's Summit, Missouri on behalf of its Parks & Recreation (Lessee), whose principal office is located at 901 Blue Stem Drive, Lee's Summit, MO 64086.

For good and valuable consideration as described herein, the parties hereto agree as follows:

### **1. Use and Condition of Premises and Equipment**

**1.1. Use and Condition of Premises.** MCC agrees to grant to Lessee the use of swimming pool, pool deck space, classroom space, and locker rooms, but not use of the lockers in the Recreation Center, at MCC-Longview, located at 500 SW Longview Road, Lee's Summit, MO, 64081-2105 (Premises), for the express purpose of lifeguard training (Event). Use of the pool is limited to the use of 1-2 lanes of the Premises pool. Lessee shall not use the Premises for any other purpose nor shall it use any other part of the Premises other than as stated hereunder. Lessee accepts the Premises in present condition and agrees to keep and maintain the same in as good condition as at present, free from debris, danger of fire or any nuisance, to commit no acts of destruction or other acts tending to injure or deface the property, or which may invalidate the insurance or increase the rates thereon, and at the expiration of this Agreement will deliver the same without notice to MCC in as good condition as when it received the same, ordinary wear and tear excepted. MCC shall not permit alcoholic drinks to be sold or provided on the Premises under any circumstances.

**1.2. Use and Condition of Equipment.** MCC agrees to grant to Lessee the use of the equipment as standard to the Premises, and additional equipment that may be mutually agreed upon by the parties as described herein. Lessee understands and agrees that during the term of this Agreement, it shall be solely responsible for all equipment used or present in the Premises. Any equipment or services requested upon arrival may be invoiced after the conclusion of the Event.

**2. MCC Responsibilities.** MCC shall provide staffing for the Recreation Center so that Lessee may have access to the facility for training and testing purposes. The foregoing notwithstanding, MCC shall not provide lifeguards or staff to supervise participants within the pool deck area.

### **3. Lessee's Responsibilities.**

**3.1.** Lessee accepts full and total responsibility for supervision and safety of Participants including in the locker room. Use of the locker room is available only if adult supervision is provided by Lessee. Lessee will ensure adequate and reasonable adult supervision is provided, and the level of supervision is within Lessee's sole discretion. Lessee accepts all responsibility for supervision and safety of Participants.

**3.2.** Lessee will ensure that Participants do not enter locations not covered by this Agreement.

**3.3.** Lessee shall cleanup the Premises at the end of the Event, to include without limitation, the removal of trash.

**4. Termination.** Either party may terminate this agreement upon five (5) days written notice. If the Premises shall be destroyed or so damaged by fire or other unavoidable casualty whereby the use of the Premises is impracticable, this Agreement shall automatically terminate and fees are payable only for actual use and/or supplies or services purchased prior to such casualty.

**5. Schedule.** MCC shall grant Lessee use of the Premises on the dates and times as detailed on Exhibit A – Facility Use Schedule (Exhibit A) attached, hereto and incorporated herein. Such use of Premises excludes holidays, inclement weather closings, closures due to emergencies, or for any reason that use of the Premises is impracticable.

**6. Minors.** Each party acknowledges that if the Event activities involve minors, each party agrees to inform the other party if they have any knowledge of any injuries, or suspected abuse, or neglect of any minor Participant. Lessee will bear responsibility for reporting the same to the appropriate authorities, advise MCC that such a report was made, and provide verification of the same.

**7. Fees.** For and in consideration of the Use of the Premises and Equipment, Lessee shall pay MCC based on a daily rate of \$25 per hour for up to twenty (20) participants with an additional \$1 per person per hour for more than twenty (20) participants, upon receipt of MCC's monthly invoice. Lessee shall pay MCC a not-to-exceed total of \$2,700 under this Agreement. Lessee shall remit payment to MCC within twenty (20) days of receipt of MCC's invoice. If an invoice payment has not been received within twenty (20) days from the date of MCC's invoice, MCC reserves the right to suspend Lessee's use of the Premises until such time as MCC receives payment. Payments shall be sent to MCC in the care of Vikl Clark at MCC's address in section 1.1 herein.

**8. Liability Requirements.**

**8.1. Insurance.** Lessee agrees to maintain the following insurance throughout the term of this Agreement: a) workers' compensation and employer's liability for its employees in amounts as required by Missouri law; b) automobile insurance, to include uninsured and underinsured motorists, in the minimum amounts of \$1,000,000 per occurrence and \$2,000,000 in the aggregate; and c) general liability in the amounts of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, which shall include students, participants, volunteers, property damage, and contractually assumed liability and name MCC as an additional insured. Upon the execution of this Agreement, Lessee agrees to provide MCC proof of insurance which shall include the stipulations hereunder and state that such coverage will not be cancelled without thirty (30) days written notice. Failure to so provide or maintain any insurance as requested hereunder will not relieve it of any contractual obligation or responsibility herein.

**8.2. Indemnification.** To the extent permitted by law, Lessee shall indemnify, defend, and hold harmless MCC, its trustees, officers, employees, agents, and representatives against any and all claims, demands, suits, costs, judgments, or other forms of liability, actual or claimed, including reasonable attorneys' fees, for injury or damage to persons or loss or damage to property occurring or allegedly occurring in connection with any action, inaction, or conduct committed by Lessee or by its officers, directors, employees, students, volunteers, agents, or representatives during the term of this Agreement.

**8.3. No Waiver.** The foregoing provisions shall not be deemed a relinquishment or waiver of any kind of applicable limitations of liability provided or available to MCC under applicable Missouri governmental immunities law.

**9. Notices.** All communications relating to this Agreement shall be in writing and may be hand delivered, sent by overnight courier, or shall be deemed received within five (5) business days

after mailing if sent by registered or certified mail, return receipt requested to the parties at the addresses first written above. If to MCC regarding legal matters, notice shall be sent to the attention of the Legal Department.

**10. Lessee's Representations and Warranties.**

**10.1. No Solicitation.** MCC does not permit on MCC's Premises the solicitation of products and/or services. Lessee acknowledges and agrees that solicitation is prohibited and warrants that Lessee shall not do any Solicitation.

**10.2. Compliance with Laws.** During the performance of its obligations under this Agreement, Lessee agrees to conduct its activities hereunder in strict compliance with all applicable federal, state, and local laws, as well as the policies and procedures of MCC.

**11. Non-Discrimination.** Lessee agrees not to discriminate against any employee or applicant for employment because of race, color, religion, age, sex, sexual orientation, gender identity, disability, national origin, veteran status or any other status protected by applicable law. Lessee shall also abide by the requirements of 41 CFR § 60-300.5(a), and 41 CFR § 60-741.5(a). These regulations prohibit discrimination against qualified protected veterans and qualified individuals on the basis of disability, and require affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans and individuals with disabilities.

**12. Powers and Authority.** Neither party may sign any document, perform any act, or make any commitment nor undertaking on behalf of the other party without such other party's express written consent.

**13. No Agency.** Nothing in this Agreement shall create an agency, partnership, or joint venture between MCC and Lessee.

**14. Tobacco-Free Policy.** Lessee agrees to strictly abide by MCC's tobacco-free policy, meaning all types of smoking and smokeless tobacco products are prohibited. At all times, MCC shall have the right to enforce such policy pursuant to the terms of this Agreement and under law.

**15. Governing Law.** This Agreement is governed by and constructed in accordance with the laws of the state of Missouri.

**16. Severability.** If, for any reason, any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.

**17. Waiver.** Failure of either party to insist upon strict performance of the terms of this Agreement shall not be construed as a waiver of such party's rights to later enforce any provision thereof.

**18. Remedies.** All rights and remedies of the parties, in law or equity, are cumulative and may be exercised concurrently or separately. The exercise of one remedy will not be an election of that remedy to the exclusion of other remedies.

**19. Successors and Assignments.** This Agreement shall not be assigned by either party without the prior written consent of the other party and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

**20. Force Majeure.** Neither party shall be liable for damages or have the right to terminate the Agreement for any delay or default in performance if the delay or default is due to conditions or circumstances beyond its control; such conditions include, but are not limited to, acts of God, acts of nature, acts of government, national emergencies, acts of terrorism, transportation delays, labor disturbances, work stoppages, or material shortages, or any other cause beyond the reasonable control of the party obligated to perform and which cannot be overcome by reasonable diligence and without unusual expense.

**21. Entire Agreement.** This Agreement constitutes the entire agreement and understanding between the parties with respect to the subject matter hereto and supersedes all offers, negotiations, discussions, and other agreements that occurred prior to the date of the execution of this written Agreement. Any amendments to this Agreement must be in writing and executed by both parties.

**22. Execution.** This Agreement may be executed in counterparts, which together constitute one and the same Agreement. If a party sends a signed copy of this Agreement via digital transmission, such party will, upon request by the other party, provide an originally signed copy of this Agreement. No member or officer of MCC incurs personal liability by the execution or default of this Agreement. All such liability is released by Lessee as a condition of and consideration of the execution of this Agreement.

The parties have caused this Agreement to be executed by their authorized representatives on the day and year written below:

**Junior College District of Metropolitan  
Kansas City, Missouri**

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

Name: Dr. Kirk A. Nooks

Title: President, MCC-Longview

Date: \_\_\_\_\_

**Junior College District of Metropolitan  
Kansas City, Missouri**

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

Name: Shelley Kneuvean

Title: Vice Chancellor / CFO

Date: \_\_\_\_\_

**City of Lee's Summit, Missouri**

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### **Exhibit A – Facility Use Schedule**

#### **LEE'S SUMMIT PARKS & RECREATION – LIFEGUARD TRAINING**

With the exceptions of inclement weather the Facility Use Schedule is as follows:

**2018**

**Fridays, March 2, April 6, 13, 27, May 4, July 20**

**Classroom use; 4pm-7:30pm / Pool use 4pm – 7:30pm**

**Saturday, March 3, April 7, 14, 28, May 5, July 21**

**Classroom use; 8am – 5:30pm / Pool use, 10:30am-5:30pm**

**Sunday, March 4, April 8, 15, 29, May 6, July 22**

**Classroom use and pool use: 10am- 5:30pm**

**Fee will be charged at \$25 per hour for up to 20 participants, and an additional \$1 per hour for each participant exceeding the 20 participant base charge. Fee should be paid at the time the class attendance is finalized, no later than 20 days after class completion date.**

**Any reserved date listed above may be replaced with an alternate date upon the written mutual agreement of the parties, email being sufficient.**





## Packet Information

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**File #:** 2017-1750, **Version:** 1

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Review of the General Fund Reserve Balance

Issue/Request:

Review of the General Fund Reserve Balance

Key Issues:

At Mayor Rhoads's request, staff has prepared a presentation regarding the General Fund reserve balance.

Proposed City Council Motion:

N/A

Presenter: Conrad Lamb, Finance Director

# **General Fund Reserve Balance**

January 4, 2018



# Outline

- Reserve Balance Overview
- Current Fund Balance Reserve Policy
- Historical Fund Balances
- Benefit of AAA Rating
- Five-Year Model

# What is the Reserve Balance?

- The General Fund reserve balance shall consist of residual net resources, that is, those resources that remain after those that are restricted, committed, and assigned

# Why Have a Reserve Balance?

- The “Perfect Storm” of 1992
- GFOA Guidelines
- Uses of the Fund Balance

# The “Perfect Storm” of 1992

- Low sales tax receipts
- Mild weather -> low franchise tax receipts
- Fund balance went negative before Property Tax revenue arrived in January.

# Purposes of a Fund Balance Policy (GFOA)

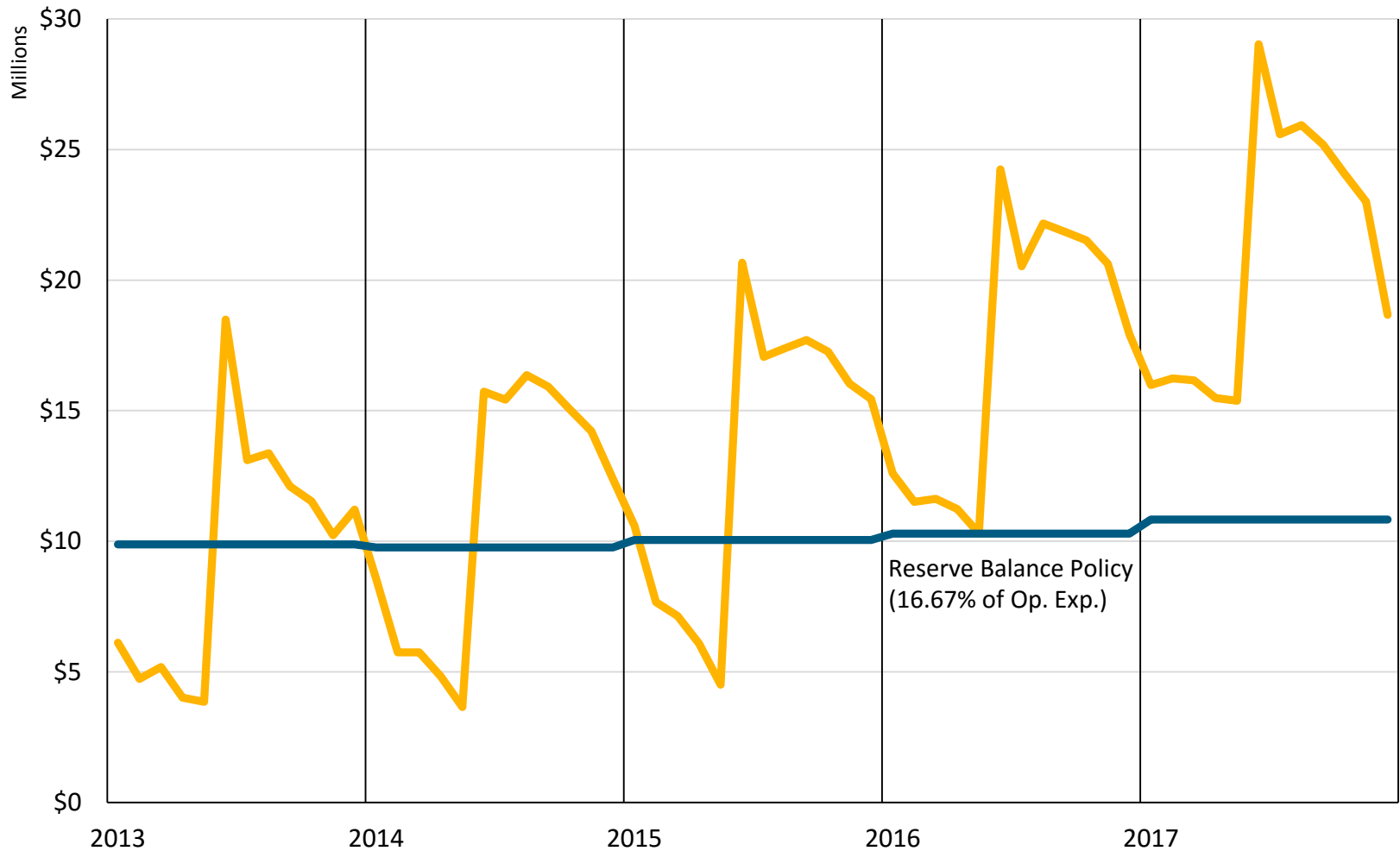
- Plan for contingencies
- Maintain good standing with rating agencies
- Avoid interest expense – Tax Anticipation Notes
- Generate investment income
- Ensure cash availability when revenue is unavailable

# Uses of the Fund Balance

- Cash flow
- Safety Net
- Continuity of Services



# Monthly Unassigned General Fund Balance



# General Fund Reserve Balance Policy

(Ord. 7428)

- Requires the fund balance to be at least two average months of regular operating revenues or expenditures, whichever is greater, based on the prior fiscal year.
- Annual operating expenditures will not exceed annual operating revenues except in unusual and extraordinary circumstances.

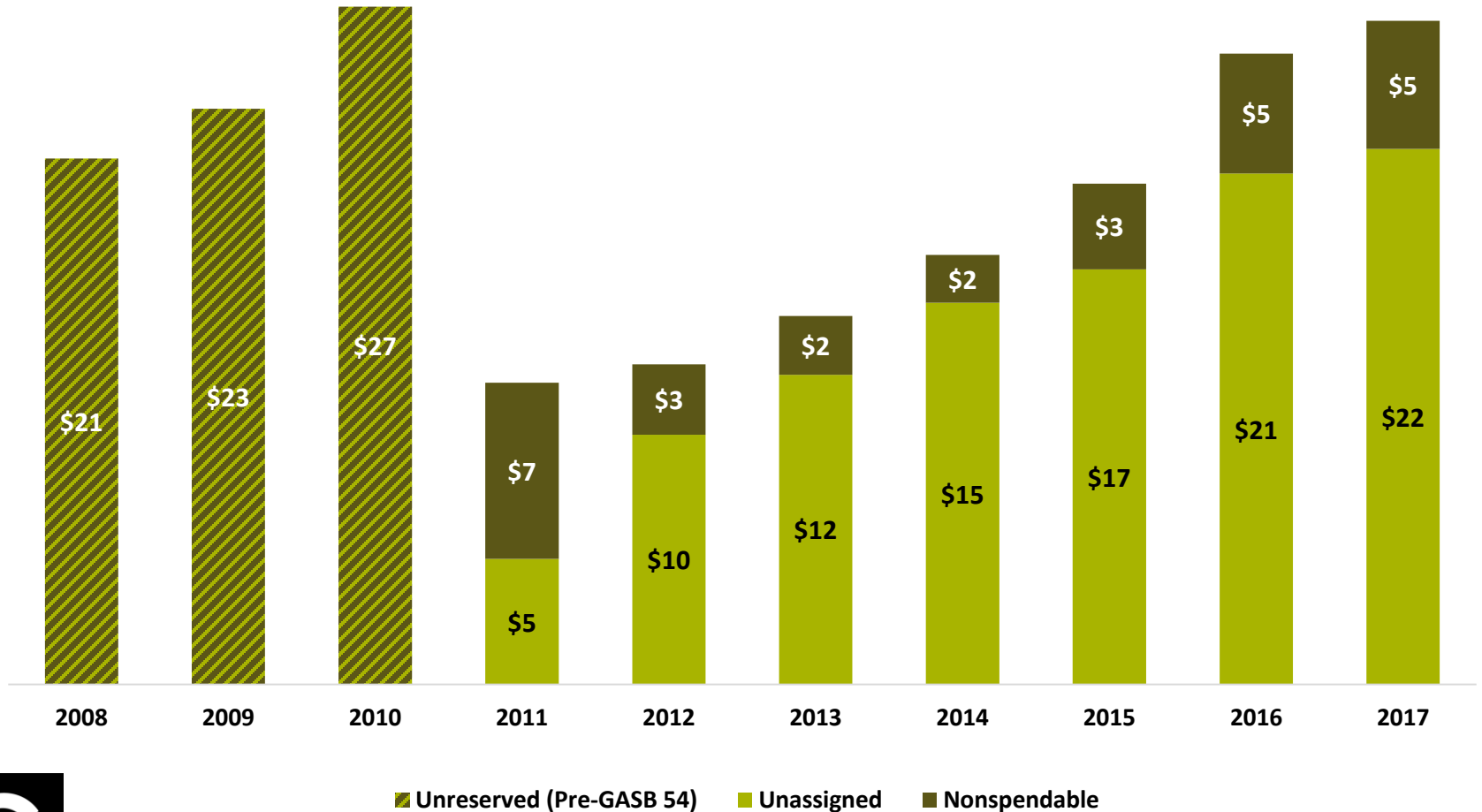
# General Fund Reserve Balance Policy

(Ord. 7428)

- The fund balance shall not be used to fund any portion of ongoing and routine operating expenditures.
- In the event of an “extraordinary expenditure,” the reserve balance will be restored within the next three years.

# General Fund Year End Reserve Balance

(in \$millions)



# Aaa Rating

- The City re-attained Aaa bond rating from Moody's in August
- Interest rate spread
- Factors for upgrade:
  - Strong and stable fiscal management
  - Healthy Reserve Balance
  - Manageable debt and pension levels

# 5-Year Model

- Instrument used to analyze long-term fiscal impacts of policy changes on General Fund and reserve balance
- Next week staff will discuss the City's financial condition, and its impact on the ability to afford further wage adjustments

AN ORDINANCE ESTABLISHING THE GENERAL FUND RESERVE BALANCE GUIDELINES TO ENSURE THE CONTINUED ECONOMIC STABILITY OF THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, a key element of the financial stability of the City is the maintenance of adequate levels of unreserved fund balance to mitigate financial risks that can occur from unforeseen revenue fluctuations, unanticipated expenditures and other similar circumstances; and,

WHEREAS, the fund balance reserve also provides cash flow liquidity throughout the year for the City's general operations; and,

WHEREAS, it is essential to determine which funds comprise the General Fund balance, as well as the level of funds to be maintained in the General Fund balance; and,

WHEREAS, The Government Accounting Standards Board (GASB) has established rules for governments in determining unrestricted fund balance; and,

WHEREAS, credit rating agencies consider, among other factors, the adequacy of the unassigned fund balance in determining bond ratings; and

WHEREAS, the City Council has determined it is in the best interest of the citizens of the City of Lee's Summit to establish General Fund balance guidelines to ensure the continued economic stability of the City of Lee's Summit.

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

SECTION 1. That the General Fund balance shall be maintained in an amount equal to that of at least two (2) average months of regular general fund operating revenues or expenditures, whichever is greater (16.67%) based on the prior fiscal year, to address emergencies and provide for economic stability.

SECTION 2. That the General Fund Annual Operating Budget Expenditures will not exceed Annual Recurring Revenues except in unusual or extraordinary circumstances and the fund balance shall not be used to fund any portion of the ongoing and routine operating expenditures unless approved according to the provisions in Section 4.

SECTION 3. The General Fund balance shall consist of residual net resources, that is, those resources that remain after those that are restricted, committed and assigned.

SECTION 4. That, in the event the General Fund balance is calculated to be less than that required in Section 1 above, the City Manager shall adjust budget resources in order to restore the balance in the next succeeding budget year. In the event of an extraordinary expenditure the minimum unrestricted fund balance will be restored within the next three years by adjusting revenues or expenditures.

SECTION 5. In the event the General Fund balance exceeds 20 percent of recurring annual revenues, funds may be reappropriated by majority vote of the city council for expenditures considered to be one time in nature. Funds in excess of the minimum defined in Section 1 but less than an amount greater than 20 percent may be reappropriated with a super majority vote of the City Council.

SECTION 6. That the City Manager shall make recommendations on the use of unassigned funds both as an element of the annual operating budget submission and from time to time throughout the year as needs arise. The Finance Director shall monitor and report to City Council the various fund restrictions and assignments.

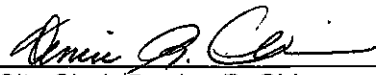
SECTION 7. That the Finance Director shall annually submit a report outlining the status of the City's various components of the General Fund balance. This report shall be submitted within thirty (30) days after receipt of the annual financial audit. The Finance Director shall also provide status reports from time to time as requested.

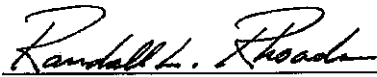
SECTION 8. That any and all ordinances or parts of ordinances in conflict with any provision of this Ordinance shall be repealed to the extent of conflict only.

SECTION 9. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of Lee's Summit, Missouri, this 6<sup>th</sup> day of February, 2014.

ATTEST:

  
City Clerk Denise R. Chisum

  
Mayor Randall L. Rhoads


APPROVED by the Mayor of said city this 7<sup>th</sup> day of February, 2014.

ATTEST:

  
City Clerk Denise R. Chisum

  
Mayor Randall L. Rhoads

APPROVED AS TO FORM:

  
Assistant City Attorney Trevor L. Stiles



## Packet Information

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**File #:** 2017-1748, **Version:** 1

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Paragon Star - Presentation of I-470 Western Gateway Transportation Development District proposal

Issue/Request:

Paragon Star - Presentation of I-470 Western Gateway Transportation Development District proposal

Key Issues:

The Paragon Star Development Team will be presenting the City Council with a request to form a new regional Transportation Development District (referred to as the I-470 Western Gateway TDD). The purpose of forming a new TDD and replacing the existing regional TDD is to include additional properties including the Paragon Star Village (retail area), and fund additional projects in the region.

A resolution supporting the formation of the I-470 Western Gateway TDD has been placed on the January 4, 2018 City Council agenda for consideration. Approval of the resolution will authorize staff to file an action in Jackson County Circuit Court to form the I-470 Western Gateway Transportation Development District. This TDD will fund improvements to the I-470 and View High interchange to convert View High Drive under the interstate into a diverging-diamond configuration, along with other transportation improvements within and near the TDD.

Proposed City Council Motion:

Presentation only. A Resolution supporting the formation of the proposed I-470 Western Gateway TDD has been placed on the January 4, 2018 City Council agenda for consideration.

Background:

**The Existing Regional TDD (Southwest I-470 TDD) -**

The City Council previously authorized the formation of the Southwest I-470 Transportation Development District (the "Southwest I-470 TDD"). This TDD was approved by the Jackson County Circuit Court on September 12, 2016 and formation was completed in an election of the property owners in December 2016. The Southwest I-470 TDD generally includes the property within the Summit Woods Shopping Center and property along the north side of I-470 from Pryor Road to View High Drive. The purpose of the Southwest I-470 TDD was to fund regional transportation improvements that would allow the Paragon Star sports and entertainment complex to be constructed.

The Southwest I-470 TDD is operational, but the TDD sales tax has not been imposed. There are several conditions that must be satisfied to impose the Southwest I-470 TDD sales tax, some of which have not been completed. The boundaries of the Southwest I-470 TDD did not include the planned retail areas in the Paragon Star project.

**Public Incentive Restructuring -**

The City Council has previously approved a TIF Plan and a Community Improvement District for the project, along with the TDD discussed above. Paragon Star is preparing to restructure the public financing components of the project, which includes a larger transportation development district that will fund additional road and transportation projects. This restructuring includes a larger TDD so that the TDD sales tax is also imposed on the retail areas in the Paragon Star project.

Expansion of an existing TDD requires the unanimous consent of all property owners in the existing TDD area. This would be practically impossible given the diverse ownership of property in the existing Southwest I-470 TDD.

As a result, Paragon Star is proposing to form a new TDD which would have expanded boundaries and an expanded project list. If approved, the 1% sales tax would go into effect throughout the district boundaries, including the Summit Woods shopping center and the planned retail area for the Paragon Star project.

If the resolution is approved by the City Council, the Paragon Star Community Improvement District will adopt a similar resolution and then City staff will file a petition in Jackson County Circuit Court to form the new TDD. If the new TDD is approved at an election by the property owners in the district area, the existing Southwest I-470 TDD will be terminated. Only one new 1% sales tax will be imposed in the Summit Woods Shopping Center.

**Timeline:**

If the resolution is approved, the TDD petition would be filed in circuit court as soon as the Paragon Star CID approves a similar resolution of support. It is projected that a court order for the TDD could be received during the first quarter of 2018, subject to circuit court dockets and scheduling, and the property owner election could occur during the second quarter of 2018.

**Presenter:**

Paragon Star Development Team

David Bushek, Gilmore & Bell, Economic Development Counsel for the City  
City Staff



# PARAGON STAR

Lee's Summit City Council

04 January 2018

Regional Destination

Mixed-Use Development

Best in Class

Projected 210-Acre,  
\$400 Million Multi-  
Phased Mixed Use  
Development

Sports &  
Recreation  
Complex/Village-  
Entertainment  
District

New Regional  
Infrastructure to  
Support Development  
in Lee's Summit's  
Western Gateway



# Sports & Recreation Complex

- 10 FIFA Regulation Fields & 6 Junior Fields – Artificial Turf & Lighted
- Clubhouse & Cantina w/ viewing decks overlooking championship field
- Major Trailhead to serve the Little Blue Trace and Rock Island Corridor Trails
- Field House
- Bocce, Pickleball & Sand Volleyball Courts
- Ziplines & Rope Course
- Ferris Wheel





# Entertainment District/Village

- Multi-Family Housing, Lodging, Office, Dining & Entertainment Venues:
  - ◆ Restaurant = 60,000 sq.ft.
  - ◆ Entertainment = 15,000 sq.ft.
  - ◆ Mercantile = 15,000 sq.ft.
  - ◆ Hotel 1 = 134 rooms
  - ◆ Hotel 2 = 98 rooms
  - ◆ Class A Office Space = 95,000 sq. ft.
  - ◆ Luxury Multi-family Units = 380
- Outdoor Public Space w/ sports viewing & live music
- Combination of first-to-market establishments & local favorites







FINKLE + WILLIAMS  
ARCHITECTURE





FINKLE + WILLIAMS  
ARCHITECTURE





FINKLE + WILLIAMS  
ARCHITECTURE



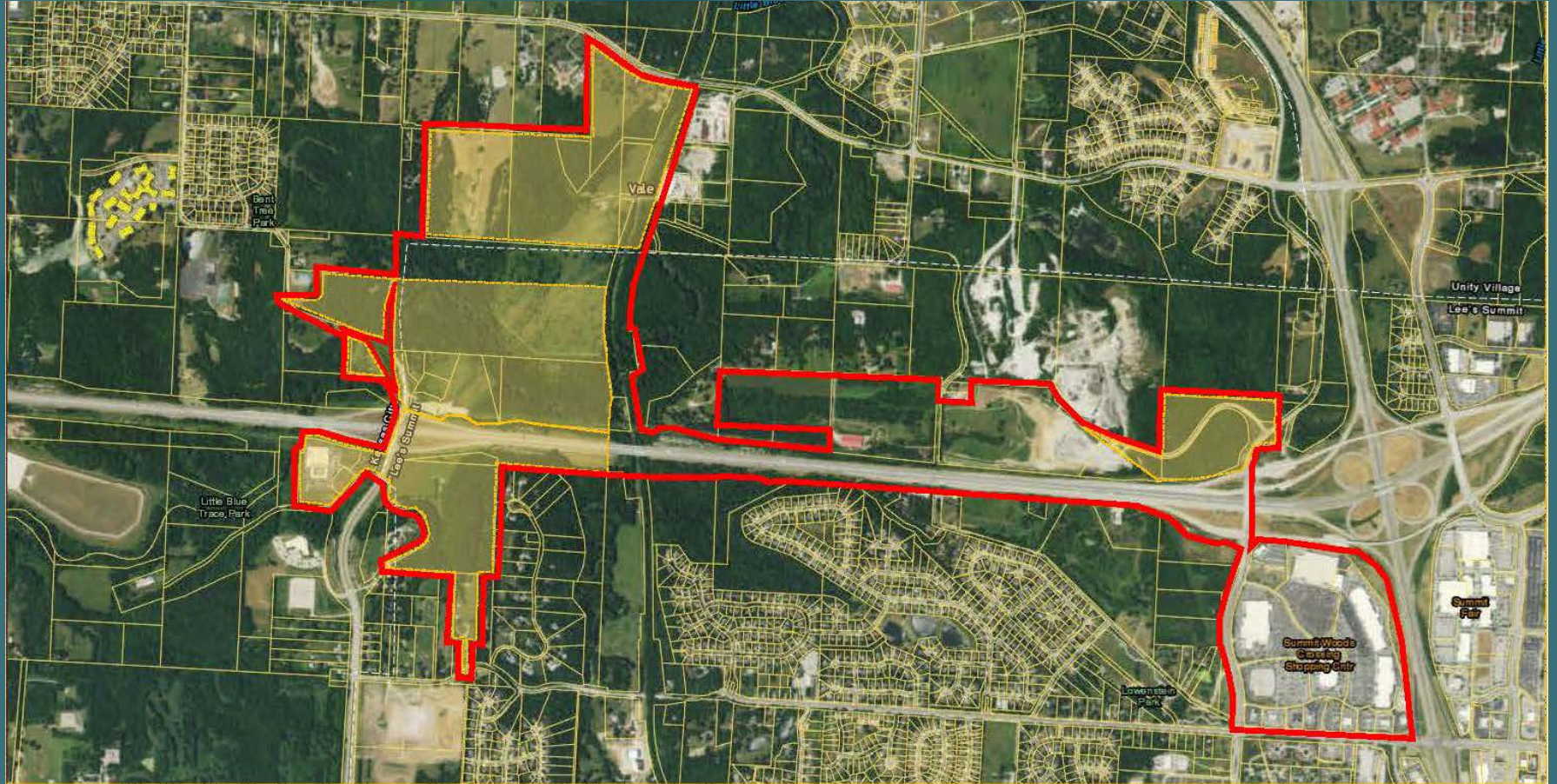


FINKLE + WILLIAMS  
ARCHITECTURE





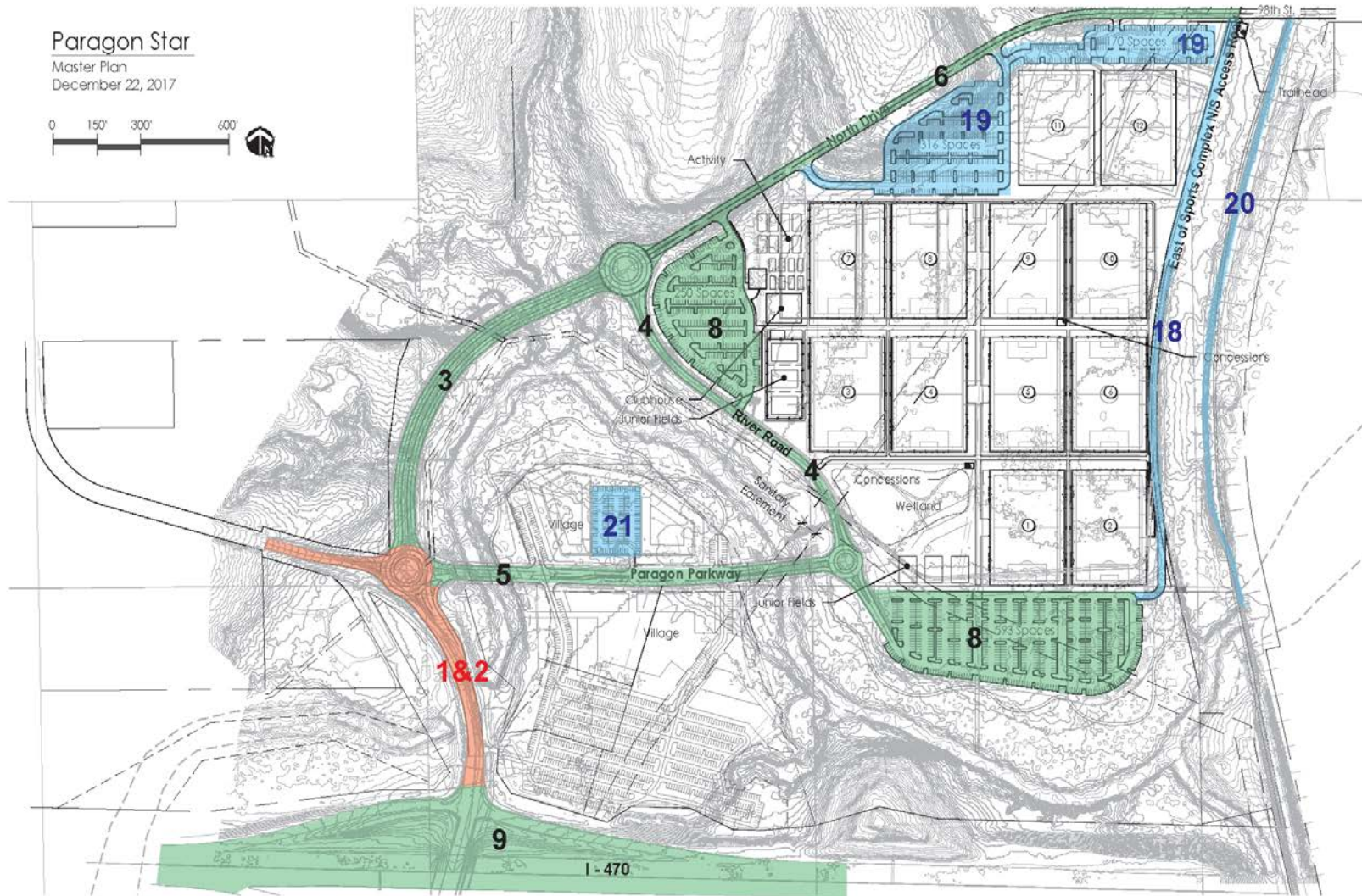
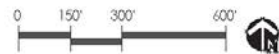
# New Regional Transportation Development District





# Paragon Star

Master Plan  
December 22, 2017



# Estimated Project Budget

REDEVELOPMENT PROJECT COSTS	Redevelopment Project Costs	Regional TDD	Community Improvement District	Tax Increment Financing Plan RPA#1	View High GO Bond	State of Missouri Project Funding	Jackson County, Missouri	Developer Equity or Private Financing
<b>TOTAL PROJECT COSTS</b>	<b>\$246,660,574</b>	<b>\$37,894,876</b>	<b>\$5,424,721</b>	<b>\$29,811,101</b>	<b>\$1,000,000</b>	<b>\$21,085,840</b>	<b>\$0</b>	<b>\$146,451,518</b>
Total Project Costs (Rounded)	\$247,000,000	\$38,000,000	\$5,000,000	\$30,000,000	\$1,000,000	\$21,000,000		\$146,000,000
Percentage of Contribution to Project Costs		15.38%	2.02%	12.15%	0.40%	8.50%	0.00%	59.11%
Approved TIF Plan 2-17-16	212,000,000	21,904,000	1,038,000	13,141,000	1,000,000	20,000,000		151,000,000
		10.33%	1.90%	6.20%	0.47%	9.43%		71.23%

REDEVELOPMENT PROJECT COSTS	Redevelopment Project Costs	Regional TDD	Community Improvement District	Tax Increment Financing Plan RPA#1	View High GO Bond	State of Missouri Project Funding	Jackson County, Missouri	Developer Equity or Private Financing
<b>1. Real Property Costs</b>								
Private Real Property	2,000,000							2,000,000
Property of City of Lee's Summit	1,006,494			417,536				\$588,958
Property of Jackson County, Missouri								
Alternative North Route ROW	2,965,500	2,500,000		465,500				
Other Land Costs	-	-						
Wetlands Mitigation	1,200,000			1,200,000				
Rock Island Railroad Trail (2 miles)	2,000,000					2,000,000		
Capital Replacement Fund for Fields	3,000,000					3,000,000		
Trailhead Parking Deck	2,000,000					2,000,000		
Trolley Cars	1,000,000					1,000,000		
<b>Total Real Property Costs</b>	<b>15,171,994</b>	<b>2,500,000</b>	-	<b>2,083,036</b>	-	<b>8,000,000</b>	-	<b>2,588,958</b>

REDEVELOPMENT PROJECT COSTS	Redevelopment Project Costs	Regional TDD	Community Improvement District	Tax Increment Financing Plan RPA#1	View High GO Bond	State of Missouri Project Funding	Jackson County, Missouri	Developer Equity or Private Financing
<b>2. Sports Complex, Roads, Utility, Water, Sewer &amp; Infrastructure Improvements - 1 of 2</b>								
Sports Complex	14,101,833		3,326,802	10,775,031				
Sports Complex Technology	4,000,000					4,500,000		
Clearing & Grubbing	325,000	292,500	5,363	27,137				
Cut	1,387,000	1,249,000	22,770	115,230				
Fill, including fill for flood plan	2,305,000	1,305,000	165,000	835,000				
Landscape	500,000	450,000	8,250	41,750				
Bridge #1 (140x68)	1,428,000	1,428,000						
Bridge #2 (140x68)	1,428,000	1,428,000						
Sanitary Sewer within right of way	415,000	207,500	34,238	173,262				
Storm Sewer within right of way	582,000	465,600	19,206	97,194				
Water Main within right of way	660,000	528,000	21,780	110,220				
Seeding	232,000	185,600	7,656	38,744				
Road #1	291,000	-		291,000				
Road #2	770,000	-		770,000				
Road #3	792,000	792,000						
Road #4	486,000	486,000						
Roundabout	1,500,000	1,500,000						
Parking #1	1,727,000	1,727,000						
Parking #2	493,000	493,000						



REDEVELOPMENT PROJECT COSTS	Redevelopment Project Costs	Regional TDD	Community Improvement District	Tax Increment Financing Plan RPA#1	View High GO Bond	State of Missouri Project Funding	Jackson County, Missouri	Developer Equity or Private Financing
<b>2. Sports Complex, Roads, Utility, Water, Sewer &amp; Infrastructure Improvements - 2 of 2</b>								
Erosion Control (4%)	542,000	433,600	17,886	90,514				
Primary Electrical Duct Bank within right of way	625,000	562,500	10,313	52,157				
Improvements to Existing Interchange	6,000,000	5,000,000			1,000,000			
View High North of DDI	800,000					800,000		
Lee's Summit Waterline Extension	1,300,000			1,300,000				
North Village Infrastructure	694,000			694,000				
South Village Infrastructure	2,205,000			2,205,000				
Walking Trails (Little Blue Trace)	1,167,216					1,167,216		
Shared Trail	506,000	506,000						
View High Extension	-							
Alternative North Route / North South Access Road	3,000,000	3,000,000						
Additional Transportation Design for DDI	775,000	775,000						
Storm Water Pipe (Village)	1,000,000			1,000,000				
Parking Garage (Village)	8,000,000	4,000,000						4,000,000
<b>Subtotal Road, Utility, Infra,</b>	<b>60,037,049</b>	<b>26,814,300</b>	<b>3,639,264</b>	<b>18,616,239</b>	<b>1,000,000</b>	<b>6,467,216</b>	<b>-</b>	<b>-</b>
Contractor Overhead & Profit (9%)	5,403,334	2,413,287	327,534	1,675,462		582,049		-
Architecture Engineering (8%)	4,802,964	2,145,144	291,141	1,489,299		517,377		-
Contingency (15%)	9,005,557	4,022,145	545,890	2,792,436		970,082		-
<b>Total Sports Complex, Road, Utility, Infra,</b>	<b>\$79,248,905</b>	<b>\$35,394,876</b>	<b>\$4,803,828</b>	<b>\$24,573,435</b>	<b>\$1,000,000</b>	<b>\$8,536,725</b>	<b>\$0</b>	<b>\$0</b>

REDEVELOPMENT PROJECT COSTS	Redevelopment Project Costs	Regional TDD	Community Improvement District	Tax Increment Financing Plan RPA#1	View High GO Bond	State of Missouri Project Funding	Jackson County, Missouri	Developer Equity or Private Financing
3. Building Costs								
Hotel	18,078,000							18,078,000
Retail (non-restaurant / bar)	4,900,000							4,900,000
Garage (300 stalls)	4,500,000							4,500,000
Retail (restaurant / bar)	6,000,000							6,000,000
Entertainment Center	23,580,000							23,580,000
Office	27,000,000							27,000,000
Residential	50,000,000							50,000,000
Clubhouse / Restaurant	8,090,560							8,090,560
Subtotal Building Costs	142,148,560	-	-	-	-	-	-	142,148,560
Contractor Overhead & Profit (9%)	included							
Architecture Engineering (7%)	included							
Contingency (15%)	included							
Total Building Costs	\$142,148,560	-	-	-	-	-	-	\$142,148,560

REDEVELOPMENT PROJECT COSTS	Redevelopment Project Costs	Regional TDD	Community Improvement District	Tax Increment Financing Plan RPA#1	View High GO Bond	State of Missouri Project Funding	Jackson County, Missouri	Developer Equity or Private Financing
<b>4. Soft Costs</b>								
Infrastructure	124,000		20,460	103,540				
Traffic Study	28,000		4,620	23,380				
Excise Tax	700,000							700,000
Environmental Impact Statement Wetlands	150,000		24,750	125,250				
Site Survey	25,000		4,125	20,875				
Other Studies (including not limited to RERC, HVS, hotel, Integra))	310,000		51,150	258,850				
Legal Fees - Development	350,000		57,750	292,250				
Legal Fees - Development	200,000		33,000	167,000				
Legal Fees - Transaction	850,000		24,750	125,250				650,000
Other Professional Consultants, predevelopment, including City consultants, plan implementation	450,000		74,250	375,750				
Other Professional Consultants, predevelopment, including City consultants, plan implementation	200,000		33,000	167,000				
Developer Fee	1,500,000		247,500	1,252,500				
Title Costs, closing costs, Taxes, Insurance & Misc.	200,000		33,000	167,000				
Construction Management & Design / Engineering Contingency	4,549,115					\$4,549,115		
Construction Interest and Financing Costs	455,000		12,538	75,985				364,000
<b>Total Soft Costs</b>	<b>\$10,091,115</b>	<b>\$0</b>	<b>\$620,893</b>	<b>\$3,154,630</b>	<b>\$0</b>	<b>\$4,549,115</b>	<b>\$0</b>	<b>\$1,714,000</b>

# TIF Amendment No. 1 Project Costs & Expenditures

	<u>TIF</u>	<u>CID</u>
Purchase Price for City Land	417,536	
View High Road Segments 1 & 2	1,161,000	
Alternative Route North ROW	465,500	
Wetland Mitigation	1,200,000	
Lee's Summit Water Extension	1,300,000	
Sports Complex Increase (from State Allocation)	5,538,000	
North Village Infrastructure	694,000	
South Village Infrastructure	2,205,000	
Storm Water Pipe (Village)	1,000,000	
Legal Fees - Development	167,000	33,000
Other Professional Consultants	167,000	33,000
<u>Total Increase in reimbursement</u>	<u>14,315,036</u>	<u>66,000</u>


# Revenue Projections

## Approved TIF Plan Estimated Revenue Projections

TIF-CID	NPV@6%	\$28,045,226
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## Proposed TIF Plan Amendment No. 1 Estimated Revenue Projections

TIF-CID & TDD (Captured)	NPV@6%	\$33,947,315
Other TDD 50% (Non-Capture)	NPV@6%	3,440,534
Other CID 25% (Non-Capture)	NPV@6%	1,720,268

The background of the slide is a solid dark teal color. Scattered across this background are numerous squares of varying sizes and shades of teal and dark teal, creating a pixelated or mosaic-like effect. Some squares are solid dark teal, while others are a lighter, muted teal color.

Thank You  
for your time and attention!

**IN THE CIRCUIT COURT OF JACKSON COUNTY  
STATE OF MISSOURI**

**IN RE THE CREATION OF THE  
I-470 WESTERN GATEWAY  
TRANSPORTATION  
DEVELOPMENT DISTRICT.**

**CITY OF LEE’S SUMMIT, MISSOURI,**  
220 S.E. Green Street  
Lee’s Summit, Missouri 64063  
a Missouri constitutional charter city

Petitioner,

vs.

**I-470 AND VIEW HIGH COMMUNITY  
IMPROVEMENT DISTRICT,**  
a Missouri political subdivision  
c/o Bushyhead, LLC  
315 SE Main Street  
Lee’s Summit, MO 64063

**JACKSON COUNTY, MISSOURI,**  
c/o County Legislative Clerk  
415 E. 12<sup>th</sup> Street  
Kansas City, MO 64106

-and-

**MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION,**

SERVE:  
Pamela Harlan  
Secretary to the Commission  
Highways and Transportation Office Building  
105 West Capitol Avenue  
Jefferson City, Missouri 65101  
Telephone: 573-751-2824

Respondents.

Case No. \_\_\_\_\_

Division \_\_\_\_\_

**PETITION FOR THE CREATION OF A  
TRANSPORTATION DEVELOPMENT DISTRICT**

COMES NOW, Petitioner, by and through its attorneys, pursuant to the Missouri Transportation Development District Act, Sections 238.200 to 238.280 of the Revised Statutes of Missouri, as amended ("**TDD Act**") (all statutory references are to RSMo unless otherwise indicated), and files this Petition for the purpose of creating a transportation development district ("**District**"), and in support thereof states as follows:

**I. The Parties**

1. Petitioner, City of Lee's Summit, Missouri ("**City**"), a constitutional charter city of the state in which the District will be located, is a "local transportation authority" within the meaning of Section 238.202.1(4) of the TDD Act, and for purposes of filing a petition for creation of the District pursuant to Section 238.207.5 of the TDD Act.
2. Respondent, the Board of Directors of the I-470 and View High Community Improvement District, (the "**CID**"), a community improvement district and political subdivision of the state in which the District will be located, is a "local transportation authority" within the meaning of Section 238.202.1(4) of the TDD Act.
3. Respondent, Jackson County, Missouri (the "**County**"), is a political subdivision of the state in which the District will be located and is a "local transportation authority" within the meaning of Section 238.202.1(4) of the TDD Act.
4. Respondent, Missouri Highways and Transportation Commission ("**MHTC**"), is the state agency constitutionally responsible for constructing and maintaining the Missouri highway system and is a necessary party under Section 238.207.5(3)(c) of the TDD Act.
5. All necessary respondents have been joined.

**II. Jurisdiction and Venue**

6. Jurisdiction is proper in this Court pursuant to Section 238.207.5, of the TDD Act.
7. Venue is proper in this Court pursuant to Section 238.207.5, of the TDD Act, in that the proposed District lies entirely within Jackson County, Missouri.

**III. Petition Requirements**

8. Petitioner City is the governing body of a local transportation authority acting in its official capacity calling for the joint establishment of the District pursuant to Section 238.207.5 of the TDD Act. A resolution of the City Council of the City calling for the establishment of



the District is attached hereto as **Exhibit D**.

9. Respondent CID is an affected local transportation authority within the District and supports the formation of the District. A resolution of the board of directors of the CID calling for the establishment of the District is attached hereto as **Exhibit D**.
10. Respondent County is an affected local transportation authority within the District because it will have jurisdiction over one or more of the Transportation Projects (as defined below).
11. The name and address of each Respondent, including the Missouri Highways and Transportation Commission and each “affected” local transportation authority within the boundaries of the District (except the Petitioner), is listed as follows:

I-470 & View High Community Improvement District  
315 SE Main Street  
Lee’s Summit, MO 64063

Jackson County, Missouri  
415 E. 12<sup>th</sup> Street  
Kansas City, MO 64106

Missouri Highways and Transportation Commission  
105 West Capitol Avenue  
Jefferson City, Missouri 65101

12. The District is composed of contiguous land pursuant to Section 238.207.5(2) of the TDD Act.
13. The property to be included in the proposed District is specifically described in **Exhibit A**, attached hereto and incorporated herein, and the boundaries of the proposed District are illustrated on the map that is **Exhibit B**, attached hereto and incorporated herein.
14. The name of the proposed District will be the “I-470 Western Gateway Transportation Development District.”
15. The board of directors of the District will have six (6) members which shall be comprised of the presiding officer of each affected local transportation authority and one person designated by the governing body of each affected local transportation authority within the District pursuant to Section 238.220.3(1) of the TDD Act; provided that upon the dissolution of any affected local transportation authority, the board of directors of the District shall be comprised of the presiding officer and the authorized designee of each remaining affected local transportation authority within the District.

16. The terms of office of the board members who are the presiding officers of the City, CID and County shall coincide with their terms as a presiding officer for the appropriate affected local transportation authority. The terms of office of the board members who are appointed by the governing body of each of the City, CID and County shall be as designated by the appropriate governing body, and such persons may be removed by the appropriate governing body at any time with or without cause.
17. The transportation projects to be undertaken by the District (each a “**Transportation Project**” or collectively the “**Transportation Projects**”) shall consist of funding and assistance in funding of certain bridge, street, road, highway, access road, interchange, signing, signalization, parking lot, parking garage, or other related improvements and infrastructure, along with engineering and other professional costs associated with the improvements, all as more particularly described in **Exhibit C**. The approximate location of the Transportation Projects are set forth in the map in **Exhibit C**.
18. The Transportation Projects will be funded from the proceeds of a transportation development district sales tax (the “**TDD Sales Tax**”) to be imposed by the District pursuant to Section 238.235 of the TDD Act. Under the TDD Act, the District may impose the TDD Sales Tax upon approval of the “qualified voters” (as defined in Section 238.202.2(2) of the TDD Act) of the District in increments of one-eighth of one percent up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the District, if such property or service are subject to taxation by the State of Missouri pursuant to the provisions of Section 144.010 to 144.525 of the Revised Statutes of Missouri, as amended, except the TDD Sales Tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities, including the sale of electricity or electrical current, water and gas, natural or artificial, nor to sales of services to telephone subscribers, either local or long distance.
19. The Petitioners desire to seek qualified voter approval of the imposition of the TDD Sales Tax at a rate not to exceed one percent (1.0%) on all transactions subject to sales taxes imposed by the District pursuant to Sections 238.235 of the Act (“**TDD Sales Tax**”) to (i) pay costs of financing or refinancing the Transportation Projects; (ii) reimburse the Petitioners for the costs of filing and defending this Petition authorized by Section 238.217 of the TDD Act; and (iii) pay the principal of, premium, if any and interest on bonds, notes

or other obligations issued pursuant to Section 238.240 or 238.242 of the TDD Act (the “**TDD Obligations**”); and (iv) to fund the costs of financing or refinancing the Transportation Projects.

20. The TDD Sales Tax is the only funding method that is planned for the District.
21. Portions of the proposed Transportation Projects are intended to be merged with the state highways and transportation system and therefore are under the Commission’s jurisdiction (the “**State Portion of the Transportation Projects**”). The remaining portions of the Transportation Projects are not intended to be so merged (the “**Local Portion of the Transportation Projects**”). Approval authority for the Local Portion of the Transportation Projects pursuant to Section 238.225, of the TDD Act, will vest with the City, or other local transportation authority, respectively, subject to all necessary permitting requirements of the applicable local transportation authorities.
22. [The District’s proposed boundaries will overlap the Southwest I-470 Transportation Development District (the “**Southwest I-470 TDD**”). The Southwest I-470 TDD will be terminated concurrently with or immediately following a successful election establishing the District.]

#### **IV. Dissolution of the District and Repeal of the TDD Sales Tax**

23. After the development and initial maintenance costs of the Transportation Projects have been paid, the District shall transfer ownership and control thereof to MHTC, or the City or another appropriate political subdivision of the state, as applicable, provided in Section 238.275 of the TDD Act, unless such transfer is made sooner with the consent of the recipient.
24. The District shall be dissolved only in compliance with Section 238.275 of the TDD Act. In no event shall the TDD Sales Tax be repealed, in whole or in part, nor shall the District be dissolved, until payment in full and satisfaction of all obligations, except in accordance with the TDD Act.
25. The proposed District will not be an undue burden on any owner of property within the District and is not unjust or unreasonable.

WHEREFORE, the Petitioners request that the Court enter a judgment and decree:

- (a) Finding and certifying that this Petition is not legally defective and that the Respondents have been duly served with process in this action, or otherwise properly appeared in this action;

- (b) Finding and certifying that the District is contiguous pursuant to Section 238.207.5(2) of the TDD Act;
- (c) Finding and certifying that the District is neither illegal nor unconstitutional and certifying the creation of the District for qualified voter approval;
- (d) Finding and certifying that the proposed funding method and mechanism is neither illegal nor unconstitutional and certifying such funding mechanism for qualified voter approval;
- (e) Finding and certifying that the proposed District is not an undue burden on any owner of real property within the District and is not unjust or unreasonable;
- (f) Finding and certifying that each Transportation Project is an authorized "project" within the meaning of Section 238.202.1(5) of the Act;
- (g) Finding and certifying the question regarding District creation, Transportation Projects development, and proposed funding for voter approval pursuant to Section 238.210.2 of the TDD Act;
- (h) Finding and certifying that the Circuit Court Clerk provided notice to the public by causing one or more newspapers of general circulation serving Jackson County to publish once a week for four consecutive weeks a notice substantially in the form set forth in Section 238.212.1 of the Act;
- (i) Ordering the Circuit Court Clerk, pursuant to Section 238.216 of the TDD Act, to prepare a ballot containing a single question regarding the creation of the District, the development of the Transportation Projects, and the imposition of the TDD Sales Tax in substantially the form set forth in Section 238.215.3(1) of the TDD Act;
- (j) Ordering the Circuit Court Clerk, pursuant to Section 238.216 of the TDD Act, to cause the conduct of a mail-in election, including but not limited to, the mailing of a ballot to each qualified voter who applied for a ballot pursuant to Section 238.216 of the TDD Act, providing specific mail-in election instructions, and specifying the date voted ballots shall be returned to the Circuit Court Clerk's office by mail or hand delivery;
- (k) Ordering the Circuit Court Clerk to transmit a certified copy of the results of the election to the Clerk of Jackson County, and ordering the Clerk of Jackson County to cause the same to be spread upon the records of the Jackson County Commission; and
- (l) for such other orders and findings as the Court may deem necessary and proper.

Respectfully submitted,

GILMORE & BELL, P.C.

By:

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*Attorneys for Petitioner City of Lee's Summit,  
Missouri*

**EXHIBIT A**  
**LEGAL DESCRIPTION**

[Attached]

TRACT 1

Owners:

City of Lee's Summit  
Target Corporation  
Summit Woods, SPE, LLC  
Summit Woods Global, LLC  
Blue Ridge Bank & Trust  
Cole OB Lee's Summit, MO  
Rare Hospitality International, Inc.  
Flint Investment Company, LLC

Parcel ID:

51-800-54-04-00-0-00-000  
51-800-54-06-00-0-00-000  
51-700-03-09-00-0-00-000  
51-700-03-12-00-0-00-000  
51-700-03-13-00-0-00-000  
51-700-03-14-00-0-00-000  
51-700-03-15-00-0-00-000  
51-700-03-16-00-0-00-000  
51-700-03-17-00-0-00-000  
51-700-03-18-00-0-00-000  
51-700-03-19-00-0-00-000  
51-700-03-23-00-0-00-000  
51-700-03-24-00-0-00-000

All of CHIPMAN-HWY 50 FINAL PLAT, a subdivision of land in Lee's Summit, Jackson County, Missouri, EXCEPT Tract C, Tract D, Lot 17 and Lot 18.

TRACT 2

Owner:

Summit Woods Global, LLC  
BEF Reit, Inc.  
Midamerican Investments, LLC

Parcel ID:

51-700-03-20-00-0-00-000  
51-700-03-21-00-0-00-000  
51-700-03-22-00-0-00-000

All of CHIPMAN-HWY 50 2ND PLAT, a subdivision of land in Lee's Summit, Jackson County, Missouri.

TRACT 3

Owner:

DHC Partners, LLC  
Summit Woods, SPE, LLC

Parcel ID:

51-800-54-07-00-0-00-000  
51-800-54-08-00-0-00-000

All of CHIPMAN-HWY 3<sup>RD</sup> PLAT LOT 14A & TRACT B1, a subdivision of land in Lee's Summit, Jackson County, Missouri.

TRACT 4

Owner:

The Family Ranch, LLC

Parcel ID:

51-800-02-11 -00-0-00-000

All that part of Section 35, Township 48, Range 32, In Lee's Summit, Jackson County, Missouri, described as follows:

From the center of said Section 35, run South 43 rods (709.5 feet); thence North 75 degrees West 9 rods (148.5 feet) to the point of beginning of the tract described herein; thence North 30 degrees East 97 rods (1600.5 feet); thence North 58 degrees West 44-3/4 rods (738.38 feet); to the East line of the Southeast 1/4 of the Northwest 1/4 of said Section 35; thence North along said East line 10 rods (165 feet) to the Northeast corner of said 1/4 1/4 section; thence West along the North line of said 1/4 1/4 section 970 feet; more or less to a point 350 feet East of the Northwest corner of said 1/4 1/4 section; thence South parallel with the West line of said 1/4 1/4 section 124 feet; thence West parallel with the North line of said 1/4 1/4 section 350 feet to the West line of said 1/4 1/4 section; thence South along said West line, 1225.31 feet to a point 29.31 feet South of the Northwest corner of the Northeast 1/4 of Southwest 1/4 of said Section 35; thence East parallel with the North line of said 1/4 1/4 section, 265.30 feet; thence South parallel with the West line of said 1/4 1/4 section, 441.15 feet to a point in a line bearing South 75 degrees East end passing through the point of beginning, thence South 75 degrees East along said line to the point of beginning

EXCEPTING that part described as follows: All that part of the Southeast Quarter of the Northwest 1/4 of Section 35, Township 48, Range 32, described as follows: Beginning at a point 124 feet South of the Northwest corner of said Quarter Quarter Section; thence East 350 feet; thence South 124 feet; thence West 350 feet to the West line of said Quarter Quarter Section; thence North 124 feet to the point of beginning.

Also EXCEPTING all that part South of the North R/W line of Interstate Route 470 by Suit No. 741042 in the Circuit Court of Jackson County, Missouri.



## TRACT 5

Owner:

The Family Ranch, LLC

Parcel ID:

51-800-01-03-00-0-00-000

A tract of land in the Southwest Quarter of the Northeast Quarter of Section 35, Township 48, Range 32, City of Lee's Summit, Jackson County, Missouri, more particularly described as follows:

Commencing at the Southwest corner of the Northeast Quarter of said Section 35; thence South 86 degrees 35 minutes 26 seconds East along the South line of said Northeast Quarter Section, a distance of 1311.71 feet to the Southeast corner of the Southwest Quarter of said Northeast Quarter Section, thence North 2 degrees 28 minutes 04 seconds East along the East line of the Southwest Quarter of said Northeast Quarter Section and parallel with the West line of said Northeast Quarter Section, a distance of 282.38 feet (282.15 feet Deed); thence North 52 degrees 58 minutes 43 seconds West, a distance of 18.00 feet (North 53 degrees 45 minutes 21 seconds West, a distance of 22.33 feet Deed) to a point on the North right of way line of Interstate No. 470 as now established. said point being the point of beginning; thence continuing North 52 degrees 58 minutes 43 seconds West, a distance of 833.08 feet (North 53 degrees 45 minutes 21 seconds West, a distance of 841.82 feet Deed); thence South 33 degrees 03 minutes 26 seconds West, a distance of 526.71 feet (South 31 degrees 23 minutes 25 seconds West, a distance of 517.25 feet, Deed) to a point on the North right of way line of said Interstate 470; thence South 84 degrees 53 minutes 05 seconds East, a distance of 561.37 feet (South 85 degrees 06 minutes 10 seconds East along said North Highway right of way line, a distance of 561.58 feet, Deed); thence North 87 degrees 59 minutes 25 seconds East, a distance of 201.56 feet (North 87 degrees 46 minutes 20 seconds East along said North right of way line, a distance of 201.56 feet, Deed); thence South 84 degrees 53 minutes 05 seconds East, a distance of 192.65 feet (South 85 degrees 06 minutes 10 seconds East along said North right of way line, a distance of 188.09 feet, Deed); to the point of beginning, subject to that part thereof in roads.

## TRACT 6

Owner:

Captain Fancy Two, LLC

Parcel ID:

51-800-02-06-00-0-00-000

Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 48 North, Range 32 West in Lee's Summit, Jackson County, Missouri, more particularly described as follows:

Beginning at the Northwest corner of said Quarter Quarter Section; thence South 86 degrees 36 minutes 33 seconds East along the North line of said Quarter Quarter Section, a distance of 1308.17 feet to a point being 20.00 feet Westerly of the East line of said Quarter Quarter Section; thence

South 02 degrees 29 minutes 11 seconds West (South 03 degrees 00 minutes 16 seconds West-Deed) parallel with the East line of the Southwest Quarter of the Northwest Quarter of said Section 35, a distance 980.90 feet to a point on the existing North right of way line of I-470 Highway; thence North 85 degrees 08 minutes 16 seconds West (North 85 degrees 02 minutes 17 seconds West-Deed) along said existing North right of way line, a distance of 145.28 feet (127.64 feet-Deed) to a point being 150 feet left of Highway Station 354+00; thence North 78 degrees 00 minutes 46 seconds West (North 77 degrees 54 minutes 47 seconds West-Deed) continuing along said existing North right of way line of I-470 Highway, a distance of 201.56 feet to a point being 175 feet left of Highway Station 352+00; thence North 85 degrees 08 minutes 16 seconds West (North 85 degrees 02 minutes 17 seconds West-Deed) continuing along said existing North right of way line of I-470 Highway, a distance of 966.76 feet (967.23 feet-Deed) to a point on the West line of said Quarter Quarter Section; thence North 02 degrees 36 minutes 11 seconds East (North 02 degrees 37 minutes 26 seconds East-Deed) along said West line, a distance of 922.17 feet (923.46 feet-Deed) to the point of beginning.

AND ALSO, the East 20.00 feet of said Quarter Quarter, bounded on the South by the North R/W line of Interstate Route 470 by Suit No. 741042 in the Circuit Court of Jackson County, Missouri, and bounded on the North by the Westerly extension of the South line of a Tract described in a warranty deed recorded in Book 1123 at Page 1716 in the recorder's office of Jackson County, Missouri.

#### TRACT 7

Owner:

The Family Ranch, LLC

Parcel ID:

51-900-01-11-00-0-00-000

The North half of the Southeast Quarter of the Northeast Quarter of Section 34, Township 48, Range 32, Lee's Summit, Jackson County, Missouri, except part in roads.

#### TRACT 8

Owner:

City of Lee's Summit

Parcel ID:

51-900-02-06-02-0-00-000

All that part of the Northeast Quarter of Section 34, Township 48, Range 32, in the City of Lee's Summit, Jackson County, Missouri, described as follows:

Beginning on the West line of said Quarter Section, and 420.99 feet North of the Southwest Corner thereof, said point being an angle point in the right of way of the Chicago, Rock Island and Pacific Railroad Company, and said point lying opposite Station 761+95 thereof; thence North 79°12'09" East, this and subsequent bearings referring to the West line of the Northwest Quarter of said Section 34 as having a bearing of North 02°29'42" East, along the Southerly line of a jog in said

Railroad right of way, a distance of 263.10 feet, to a point lying 50 feet from the centerline of the main track of said Railroad Company, measured at right angles thereto; thence North 09°16' 45" West, and parallel to said centerline of main track, a distance of 416.73 feet; thence North 87°30'18" West a distance of 171.02 feet, to a point on the West line of said Quarter Section; thence South 02°29'42" West, a distance of 468.45 feet, to the point of beginning. Except that part in Highway Right-of-Way.

TRACT 9

Owner:

Rock Island Railroad

All that part of Railroad Right-of-Way in the North half of Section 34, Township 48, Range 32, lying North of and adjacent to Interstate 470, in the City of Lee's Summit, Jackson County, Missouri.

TRACT10

Owner:

City of Lee's Summit

Parcel ID:

51-900-02-01-00-0-00-000

All of the North 500 feet of the following described Tract of land:

The North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 34, Township 48, Range 32, in Jackson County, Missouri, except that part of said  $\frac{1}{2}$  of  $\frac{1}{4}$  Section conveyed to Robert McKay by deed dated April 6, 1903 and recorded in the Office of the Recorder of Deeds for Jackson County, Missouri, at Independence, in Book 244 at Page 193, and except that part of said  $\frac{1}{2}$  of  $\frac{1}{4}$  Section conveyed to the Kansas City Rock Island Railway Company by deed recorded in the Office of the Recorder of Deeds for Jackson County, Missouri, at Independence, in Book 244 at Page 79, containing 76.402 acres.

TRACT 11

Owner:

State of Missouri

All of the Right-of-Way of Interstate 470, beginning at the North- South Centerline of Section 34; thence Easterly to the East line of Section 35, all in Township 48, Range 32, in the City Lee's Summit, Jackson County, Missouri.

Owner:

Jacomo Trucking, Inc.  
Jacomo Trucking, Inc.  
Jacomo Trucking, Inc.  
Jacomo Trucking, Inc.

Parcel #:

51-800-01-04-01-1-00-000  
51-800-01-04-01-2-00-000  
51-800-01-04-02-1-00-000  
51-800-01-06-01-2-00-000

Legal Descriptions to be provided prior to filing Petition.

TRACT 1

Owner:

The Family Ranch, LLC

Parcel ID:

51-400-03-08-00-0-00-000

The Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 27, Township 48, Range 32, except 6.97 acres heretofore sold and except beginning 25 feet West of the Southeast corner of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section; thence East 25 feet; thence North 88.8 feet; thence Southwest to beginning, in Kansas City, Jackson County, Missouri.

TRACT 2

Owner:

The Family Ranch, LLC

Parcel ID:

51-440-06-01-00-0-00-000

All of Lot 6, TOWN OF VALE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

TRACT 3

Owner:

The Family Ranch, LLC

Parcel ID:

51-440-01-00-0-00-000

All of Lot 7, TOWN OF VALE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

TRACT 4

Owner:

Short Family Properties, LLC

Parcel ID:

51-400-03-06-00-0-00-000

The Southwest Quarter of the Southwest Quarter of Section 27, Township 48, Range 32, in Kansas City, Jackson County, Missouri except the West 10 acres and except the North 40 feet thereof in road.

TRACT 5

Owner:

Lee's Summit I, LLC

Parcel ID:

51-400-03-15-00-0-00-000

All of Lot 2, MASONIC HOME OF MISSOURI-WESTERN UNIT, a subdivision in Kansas City, Jackson County, Missouri according to the recorded plat thereof.

#### TRACT 6

Owner:

RBTL Industries, LLC

Parcel ID:

51-400-03-02-00-0-00-000

A tract of land in the Southwest Quarter of Section 27, Township 48, Range 32, in Kansas City, Jackson County, Missouri described as beginning at the Southeast corner of the North half of said Quarter Section and running thence North 0 degree 54 minutes 31 seconds West along the East line of said Quarter Section, 976.94 feet to the centerline of Bannister Road; thence Northwesterly along said centerline, 459.5 feet; thence South 0 degree 54 minutes 31 seconds East along a line which is 384.73 feet West of and parallel to the said East line of the Southwest Quarter of said Section, a distance of 1717.23 feet; thence along a line described in previous deeds as bearing North 38 degrees 15 minutes East, but actually bearing North 37 degrees 08 minutes 41 seconds East, a distance of 624.08 feet to the point of beginning, except that part in roads, if any.

ALSO

Except that part lying within 50.00 feet of the centerline of Bannister Road, as it presently exists.

#### TRACT 7

Owner:

RBTL Industries, LLC

Parcel ID:

51-440-03-01-00-0-00-000

That part of the Northwest Quarter of the Southeast Quarter of Section 27, Township 48, Range 32, Kansas City, Jackson County, Missouri, described as follows: beginning at a point on the West line of the Northwest Quarter of the Southeast Quarter of said Section 27, said point being located 392.80 feet Southerly from the Northwest corner of the Northwest Quarter of the Southeast Quarter of Section 27, said point also being in the Southerly right of way line of Bannister Road 40 feet from the center line as now established; thence continuing Southerly along said West line of said Northwest Quarter of said Southeast Quarter of said Section 27, 930.77 feet of the Southwest corner of said Northwest Quarter of said Southeast Quarter of said Section 27; thence Easterly along the South line of said Northwest Quarter of said Southeast Quarter of said Section 27, 387.57

feet to a point in the Westerly right of way line of the Chicago Rock Island and Pacific Railroad; thence Northerly along said Westerly right of way line of said Railroad parallel to the center line of said Railroad, 390.95 feet to a point; thence Easterly and perpendicular to the last described course 100.00 feet to a point; thence Northerly and perpendicular to the last described course along the Westerly right of way line of said Railroad, parallel to the center line of said Railroad 369.76 feet to a point in the Southerly right of way line of Bannister Road, 40 feet from the center line of said Bannister Road, as now established; thence Northwesterly along said Southerly right of way line and along a curve to the right having a radius of 1,482.76 feet, an arc distance of 745.75 feet to the point of beginning, except that part in roads, if any.

ALSO

Except that part lying within 50.00 feet of the centerline of Bannister Road, as it presently exists.

#### TRACT 9

Owner:

City of Kansas City

Parcel ID:

No ID No.

All of East 97<sup>th</sup> Street Right-of-Way dedicated per MASONIC HOME OF MISSOURI-WESTERN UNIT, a subdivision in Kansas City, Jackson County, Missouri according to the recorded plat thereof.

#### TRACT 10

Owner:

City of Kansas City

Parcel ID:

No ID No.

All that part of East 97<sup>th</sup> Street (Wood Street) Right-of-Way, lying West of Rock Island Right-of-Way, dedicated per TOWN OF VALE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

#### TRACT 11

Owner:

City of Kansas City

Parcel ID:

No ID No.

All that part of East 98<sup>th</sup> Street (Gabbert Street) Right-of-Way, lying West of Rock Island Right-of-Way, dedicated per TOWN OF VALE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

RPA-1 TIF Legal Description:

A tract of land situated in Section 34, Township 48 North, Range 32 West, in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Owner:

Jackson County, MO  
Happy Valley Properties, LLC  
Happy Valley Properties, LLC  
Happy Valley Properties, LLC  
Happy Valley Properties, LLC  
Jackson County, MO  
City of Lee's Summit, MO  
Jackson County, MO  
City of Lee's Summit, MO

Parcel No.

51-900-02-02-01-0-00-000  
51-900-02-07-00-0-00-000  
51-900-02-10-00-0-00-000  
51-900-02-09-00-0-00-000  
51-900-02-08-00-0-00-000  
51-900-02-02-03-0-00-000  
51-900-02-01-00-0-00-000  
51-900-02-06-01-0-00-000  
51-900-02-06-02-0-00-000

Beginning at the Southwest corner of the Northwest Quarter of said Section 34; thence North 02°25'47" East, along the West line of said Quarter, a distance of 2632.77 feet, to the Northwest Corner of said Quarter; thence South 86°33'45" East, departing said West line, and along the North line of said Quarter, a distance of 2611.90 feet, to a point on the West line of the Kansas City Rock Island Railway right-of-way as recorded in Book 244, Page 79 in the recorder's office of Jackson County, Missouri, as now established; thence South 18°46'13" West, departing said North line, and along said West right-of-way line, a distance of 76.95 feet to a point of curvature; thence Southerly, continuing along said West right-of-way, and along a curve to the left, having a radius of 2508.01 feet, and a central angle of 28°06'45", a distance of 1230.57 feet, to a point of tangency; thence South 09°20'32" East, continuing along said West right-of-way line, a distance of 30.31 feet; thence South 86°26'21" East, continuing along said right-of-way line, a distance of 16.41 feet, thence South 09°20'32" East, continuing along said right-of-way line, a distance of 354.98 feet, to a point on the East line of said Quarter; thence South 02°29'17" West, continuing along said West right-of-way line, and along said East line, a distance of 468.48 feet, to a point on the North right-of-way line of Interstate Route 470, as now established; thence departing said West right-of-way line and said East line, and along said North right-of-way line the following courses; North 85°05'37" West, a distance of 899.87 feet; thence North 75°10'03" West, a distance of 203.04 feet; thence South 77°15'22" West, a distance of 228.92 feet, to a point on the West line of the Southeast Quarter of said Quarter; thence South 02°29'01" West, departing said North right-of-way line, and along said West line of the Southeast Quarter, a distance of 410.64 feet, to a point



on the South right-of-way line of Interstate Route 470, as now established; thence departing said West line of the Southeast Quarter, and along said South right-of-way line the following courses; North 71°05'22" West, 205.31 feet; thence North 85°05'37" West, 50.00 feet; thence South 85°33'47" West, 991.68 feet; thence South 19°44'16" West, 196.72 feet; thence South 21°11'08" West, 85.21 feet, to a point on the West line of the Southwest Quarter of said Section 34; thence North 02°27'40" East, along said West line, a distance of 265.01 feet to the Point of Beginning.

ALSO

all that part of the Kansas City Rock Island Railway right-of-way as recorded in Book 244, Page 79 in the recorder's office of Jackson County, Missouri, lying in the North Half of said Section 34, and North of the North right-of-way line of Interstate Route 470, as now established.

Owner:

McCambridge Pat R & Michael

Parcel #:

50-700-01-14-01-0-00-000

Part of the Northeast Quarter of Section Thirty-three (33), Township Forty-eight (48), Range Thirty-two (32), described as follows: Beginning 476.56 feet South and 40 feet West of the Northeast corner of said Northeast Quarter; thence West 800 feet; thence South 290 feet; thence West 430 feet to the Easterly right-of-way of View High Drive; thence Southeasterly 300 feet more or less along said right-of-way curve; thence Southeasterly 600 feet more or less along said right-of-way; thence North 19 degrees East 10 feet; thence South 70 degrees East 250 feet; thence South 77 degrees East 194.33 feet; thence North 2 degrees East 350 feet; thence North 10 degrees East 296.94 feet; thence North 25 degrees East 100.48 feet to the point of beginning.

Owner:

Greenway Holdings, LLC

Parcel #:

50-700-01-07-03-0-00-000

All that part of the East one-half of the Northeast Quarter of Section 33, Township 48, Range 32, in Kansas City, Jackson County, Missouri, described as follows: Beginning at a point in the center of Old Bannister Road, said point being 1762.11 feet South of the Northeast corner of Section 33, thence South 64.89 feet, thence North 73 degrees West 264 feet, thence South 86 degrees West 302.28 feet, thence North 599.73 feet to the center of Old Bannister Road, thence South 74 degrees 24 minutes East along the center of said road 158.48 feet, thence Southeasterly along the center of said road 229.98 feet, thence South 28 degrees 51 minutes East 467.26 feet along the center of said road to beginning, less that part taken pursuant to Report of Commissions dated October 3, 1984, as Case No. CV84-18863 filed October 30, 1984 as Document No. 1597857 in Book 11367 at page 573.

Owner:

Pete & Sherry's Land Co, LLC

Parcel #:

50-700-04-29-00-0-00-000

50-700-04-30-00-0-00-000

50-700-04-31-00-0-00-000

All that part of the North Half of the Northeast Quarter of the Southeast Quarter and all that part of the Southeast Quarter of the Northeast Quarter of Section 33, Township 48, Range 32, in Kansas City, Jackson County, Missouri, and being more particularly described as follows: Commencing at the Northeast corner of the North Half of said Quarter Quarter Section; thence South 02 degrees, 27 minutes, 41 seconds West (deed= South 02 degrees, 34 minutes, 39 seconds West), along the East line of said Quarter Quarter Section, a distance of 165.58 feet; thence North 87 degrees, 29 minutes, 01 seconds West (deed= North 89 degrees, 17 minutes, 52 seconds West), departing the East Line of said Quarter Quarter Section, a distance of 160.88 feet to a point on the Northerly Right-of-Way line of Meers Road as established by Document No. I-1104739 in Book I-2240, Page 32 and to the POINT OF BEGINNING of the tract of land to be herein described; thence the following courses along said Northerly Right-of-Way line: Westerly and Southwesterly along a curve to the left, having an initial tangent bearing of North 73 degrees, 13 minutes, 53 seconds West (deed= North 73 degrees, 18 minutes, 04 seconds West), a radius of 200.00 feet, a central angle of 64 degrees, 53 minutes, 56 seconds (deed= 64 degrees, 43 minutes, 40 seconds), an arc distance of 226.54 feet (deed= 225.94'); thence South 41 degrees, 52 minutes, 12 seconds West (deed= South 41 degrees, 58 minutes, 16 seconds West), a distance of 432.17 feet; thence Southwesterly and Westerly, along a curve to the right, tangent to the last described course, having a radius of 170.00 feet, a central angle of 51 degrees, 05 minutes, 57 seconds, an arc distance of 151.61 feet; thence South 02 degrees, 55 minutes, 28 seconds West (deed= South 03 degrees, 01 minutes, 32 seconds West), a distance of 20.84 feet; thence North 87 degrees, 04 minutes, 32 seconds West (deed= North 86 degrees, 58 minutes, 28 seconds West), a distance of 297.19 feet to a point on the East line of a tract of land conveyed by Document No. I-532889, in Book I-1236, Page 174; thence North 02 degrees, 24 minutes, 43 seconds East (deed= North 02 degrees, 30 minutes, 47 seconds East), departing the Northerly line of said Meers Road, along the East line of said tract of land, a distance of 653.89 feet to a point on the North line of said Quarter Quarter Section; thence South 87 degrees, 09 minutes, 35 seconds East (deed= South 87 degrees, 03 minutes, 31 seconds East), along the North line of said Quarter Quarter Section, continuing along said East line, a distance of 50.00 feet; thence North 02 degrees, 25 minutes, 08 seconds East (deed= North 02 degrees, 31 minutes, 12 seconds East), departing the North line of said Quarter Quarter Section, continuing along said East line, a distance of 174.76 feet to a point on the Southerly Right-of-Way line of Interstate Route No. 470 as established by Document No. I-1100228 in Book I-2232 at Page 593, said point being 200.00 feet Right of Station 279+59.1; thence the following courses along said Southerly Right-of-Way line: South 85 degrees, 05 minutes, 59 seconds East (deed= South 84 degrees, 59 minutes, 55 seconds East), a distance of 140.90 feet to a point 200.00 feet Right of Station 281+00; thence South 75 degrees, 10 minutes, 25 seconds East (deed= South 75 degrees, 04 minutes, 21 seconds East), a distance of 406.08 feet to a point 270.00 feet Right of Station 285+00; thence South 79 degrees, 46 minutes, 03 seconds East (deed= South 79 degrees, 39 minutes, 59 seconds East, a distance of 376.62 feet to a point 305.00 feet Right of Station 288+75; thence South 07 degrees, 02 minutes, 25 seconds East (deed=

South 06 degrees, 56 minutes, 21 seconds East), a distance of 17.64 feet to a point 322.26 feet Right of Station 288+78.65; thence South 18 degrees, 27 minutes, 59 seconds West (deed= South 18 degrees, 34 minutes, 03 seconds West), a distance of 159.36 feet to a point 477.17 feet Right of Station 288+41.27; thence South 20 degrees, 04 minutes, 12 seconds West (deed= South 21 degrees, 10 minutes, 05 seconds West), a distance of 34.22 feet (deed= 34.26 feet) to the point of beginning, containing 12.051 acres, more or less.

The undersigned proprietors of the above described tract of land to be subdivided in the manner shown on the accompanying plot, which subdivision and plat shall hereafter be known as

“HEARTLAND NURSERY”

An easement is hereby granted to Kansas City, Missouri, for the purpose of locating, constructing, operating, and maintaining facilities for water, gas, electricity, sewage, telephone, cable TV and surface drainage, including, but not limited to, underground pipes and conduits, pad mounted transformers, service pedestals, any or all of them upon, under and along the strips of land designated utility easement (U/E). Where other easements are designated for a particular purpose, the use thereof shall be limited to that purpose only. All the above easements shall be kept from any and all obstructions which would interfere with the construction or reconstruction and proper, safe and continuous maintenance of the aforesaid uses and specifically there shall not be built thereon or thereover any structure (except driveways, paved areas, grass, shrubs and fences) nor shall there be any obstruction to interfere with the agents and employees of Kansas City, Missouri, and its franchised utilities from going upon said easement and as much of the adjoining lands as may be reasonably necessary in exercising the rights granted by the easement. No excavation or fill shall be made or operation of any kind or nature shall be perfected which will reduce or increase the earth coverage over the utilities above stated or the appurtenances thereto without the written approval of the Director of Public Works or the Director of Water Services where applicable.

All streets and avenues outlined on this plat and not heretofore dedicated to public use are hereby so dedicated.

Building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street right-of-way line.

RIGHT OF ENTRANCE:

The right of entrance and egress in travel along any street or drive within the boundaries of the property is hereby granted to Kansas City, Missouri, for the purpose of fire and police protection, maintenance of water mains, sanitary and storm sewer lines, collection of garbage and refuse and to the United States Postal Services for the delivery of mail; provided, however, such right of ingress and egress does not include any obligation to contribute for any damage to any private street or drive by virtue of the exercise of the rights stated herein and specifically, neither Kansas City, Missouri nor the U.S. Postal Service shall incur any liability by virtue of the exercise of such rights.

RPA-2 TIF Legal Description:

A tract of land situated in the West Half of the Southwest Quarter, and in the Southwest Quarter of the Northwest Quarter all in Section 34, Township 48 North, Range 32 West, in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Owner:

Happy Valley Properties, LLC  
Happy Valley Properties, LLC  
Happy Valley Properties, LLC

Parcel No.

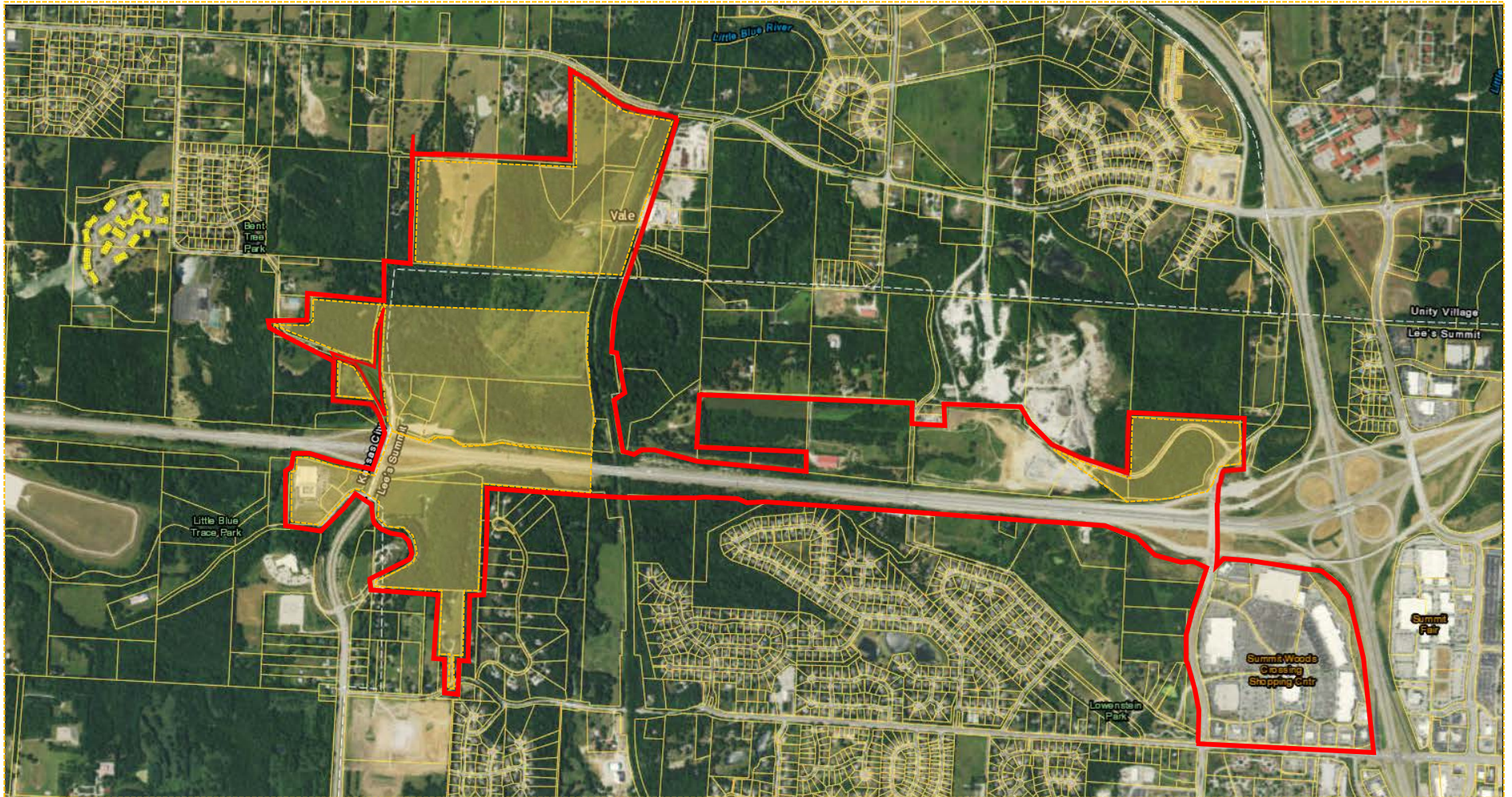
51-900-03-06-00-0-00-000  
51-900-03-02-00-0-00-000  
51-900-02-05-00-0-00-000

Commencing at the Northwest corner of the Southwest Quarter of said Section 34: thence South 02°27'40" West, along the West line of said Southwest Quarter, a distance of 265.01 feet to a point on the South right-of-way line of Interstate Route 470, as now established; thence departing said West line, and along said South right-of-way line the following courses; North 21°11'08" East, 85.21 feet; thence North 19°44'16" East, 196.72 feet; thence North 85°33'47" East, 991.68 feet; thence South 85°05'37" East, 50.00 feet; thence South 71°05'22" East, 205.31 feet, to a point on the East line of the Southwest Quarter of the Northwest Quarter of said Section 34; thence South 02°29'01" West, departing said South right-of-way line, and along said East line, a distance of 91.17 feet, to the Southeast corner of the said Quarter Quarter; thence South 02°25'07" West, along the East line of the Northwest Quarter of the Southwest Quarter, a distance of 1315.49 feet, to the Southeast corner of said Quarter Quarter; thence North 86°55'02" West, departing said East line of the Northwest Quarter of the Southwest Quarter, and along the South line of said Quarter Quarter, a distance of 190.87 feet, to the Northeast corner of Lot 2, Berkman Estates, a Subdivision in said City, County and State; thence South 02°20'24" West, departing said South line of said Quarter Quarter, and along the East line of said Lot 2, a distance of 788.05 feet, to the Southeast corner of said Lot 2, said corner also being the Northeast corner of Lot 3 of said Subdivision; thence North 87°34'12" West, departing said East line of said Lot 2, and along the North line of said Lot 3, a distance of 104.54 feet, to the Northwest corner of said Lot 3; thence South 02°28'35" West, departing said North line of Lot 3 and along the West line of said Lot 3, a distance of 345.61 feet, to the Southwest corner of said Lot 3, said corner also being on the Northerly right-of-way line of Chipman Road, as now established; thence Southwesterly, departing said West line of Lot 3, and along said Northerly right-of-way line of Chipman Road, and along a curve to the left, having a radius of 349.62 feet, a central angle of 08°02'32", and whose initial tangent bearing is South 64°38'25" West, a distance of 49.07 feet; thence South 56°47'29" West, continuing along said Northerly right-of-way line of Chipman Road, a distance of 9.51 feet, to the Southeast corner of Lot 1 in said Subdivision; thence North 02°22'36" East, departing said Northerly right-of-way line of Chipman Road, and along the East line of said Lot 1, a distance of 376.90 feet, to the Northeast corner of said Lot 1; thence North 87°31'35" West, departing said East line of Lot 1, and along the North line of said Lot 1, a distance of 115.09 feet, to the Northwest corner of said Lot 1, said point also being the Southwest corner of said Lot 2; thence North 02°22'54" East, departing said North line of Lot 1, and along the West line of said Lot 2, a distance of 791.12 feet,

to the Northwest corner of said Lot 2; thence North  $86^{\circ}55'02''$  West, departing said West line of Lot 2, and along the South line of the Northwest Quarter of the Southwest Quarter, a distance of 858.18 feet, to the Southwest corner of said Quarter Quarter; thence North  $02^{\circ}27'40''$  East, departing said South line, and along the West line of said Quarter Quarter, a distance of 30.67 feet; thence Northeasterly, departing said West line, and along a curve to the right, having a radius of 236.70 feet, a central angle of  $08^{\circ}09'33''$ , and whose initial tangent bearing is North  $54^{\circ}17'14''$  East, a distance of 33.71 feet; thence North  $62^{\circ}19'09''$  East, a distance of 456.02 feet; thence Northerly, along a curve to the left, having a radius of 180.00 feet, and a central angle of  $83^{\circ}28'00''$ , a distance of 262.22 feet; thence North  $21^{\circ}08'51''$  West, a distance of 127.10 feet; thence Northwesterly, along a curve to the left, having a radius of 170.00 feet, and a central angle of  $73^{\circ}48'00''$ , and whose initial tangent bearing is North  $21^{\circ}03'21''$  West, a distance of 218.97 feet; thence South  $85^{\circ}16'28''$  West, a distance of 47.25 feet; thence Westerly, along a curve to the right, having a radius of 210.00 feet, a central angle of  $27^{\circ}16'41''$ , and whose initial tangent bearing is South  $84^{\circ}45'20''$  West, a distance of 99.98 feet; thence South  $55^{\circ}18'29''$  West, a distance of 144.15 feet; thence North  $88^{\circ}44'22''$  West, a distance of 8.10 feet, to the West line of said Quarter Quarter; thence North  $02^{\circ}27'40''$  East, along the West line of said Quarter Quarter, a distance of 424.35 feet, to the Point of Beginning.



## Exhibit B to the TDD Petition District Boundaries





## **EXHIBIT C**

### **TRANSPORTATION PROJECT LIST**

The Transportation Project generally consists of the following improvements and activities, any of which may be completed in phases at the discretion of the District:

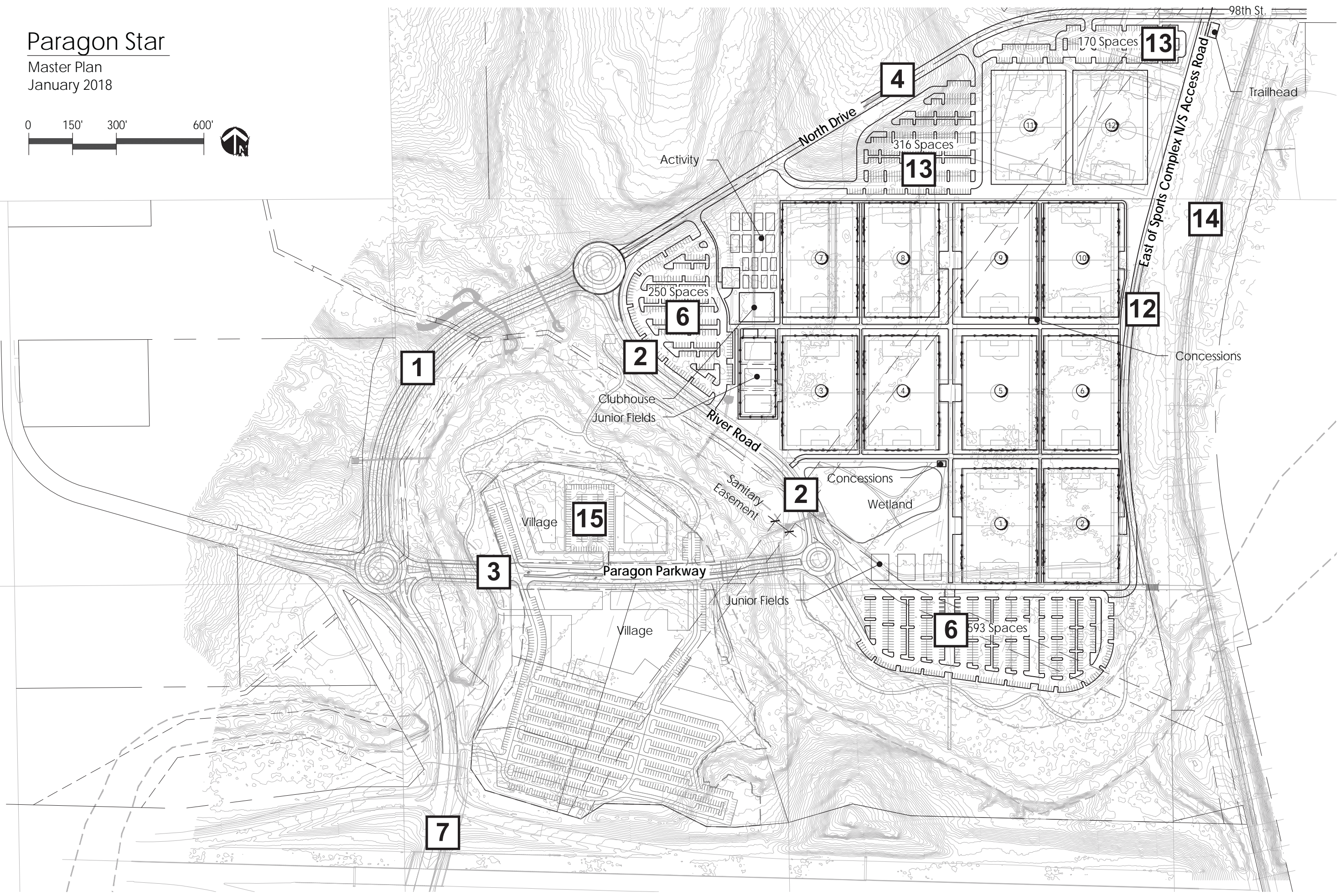
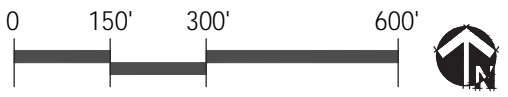
The construction, reconstruction, installation, repair, and maintenance of the following public infrastructure improvements:

- 1 The construction of that portion of View High within Lee's Summit city limits from a roundabout, north approximately 1500 LF to and including another proposed roundabout.
- 2 The construction of River Road approximately 1500 LF from a proposed roundabout, southeast to and including another roundabout at the intersection with Paragon Parkway.
- 3 The construction of Paragon Parkway approximately 1600 LF from the View High Drive roundabout, to the roundabout mentioned in #4, including the two bridges required to cross the little blue river.
- 4 The construction of a North Drive from a roundabout, traveling towards the northeast.
- 5 Mass grading of land adjacent to infrastructure improvements described above.
- 6 The construction of surface parking lots on the land adjacent to the infrastructure improvements described above.
- 7 Construction of improvements to I-470 and View High interchange.
- 8 Any earthwork, landscape, bridges, utility relocations and extensions, street lighting, wetland identification and mitigation, professional consultant costs associated with the described improvements.
- 9 Alternative Routes North to be owned and maintained by Transportation Development District
- 10 Right of Way for Alternative Routes North
- 11 Mass grading for Alternative Routes North
- 12 East of Sports Complex North/South Access Road
- 13 Parking Lots, North (2)
- 14 Shared Trail, in Rock Island railbed, approximately 1/2 mile
- 15 Parking Garage
- 16 Quarry Park Road Access from Pryor Road
- 17 Engineering Costs and other Professional Fees for improvements listed above.
- 18 Financing Costs and Interest for improvements
- 19 Contingency on new Projects listed above.



EXHIBIT C to the TDD PETITION  
APPROXIMATE LOCATION OF CERTAIN TRANSPORTATION PROJECTS

Paragon Star  
Master Plan  
January 2018



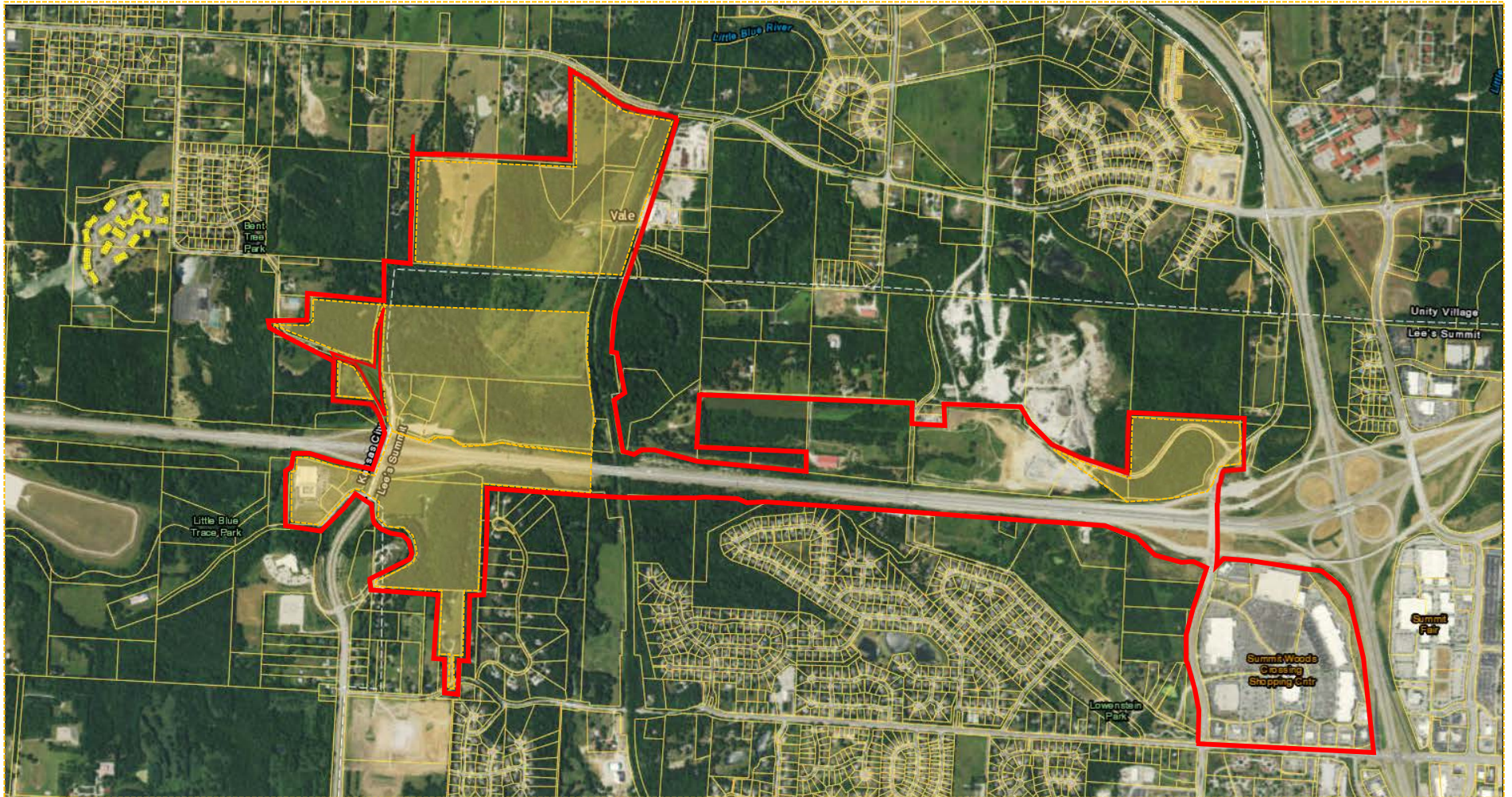


**EXHIBIT D**

**RESOLUTIONS OF CITY OF LEE'S SUMMIT AND  
I-470 & VIEW HIGH COMMUNITY IMPROVEMENT DISTRICT**

[*ATTACHED*]

## Exhibit B to the TDD Petition District Boundaries





# Paragon Star

Master Plan  
January 2018



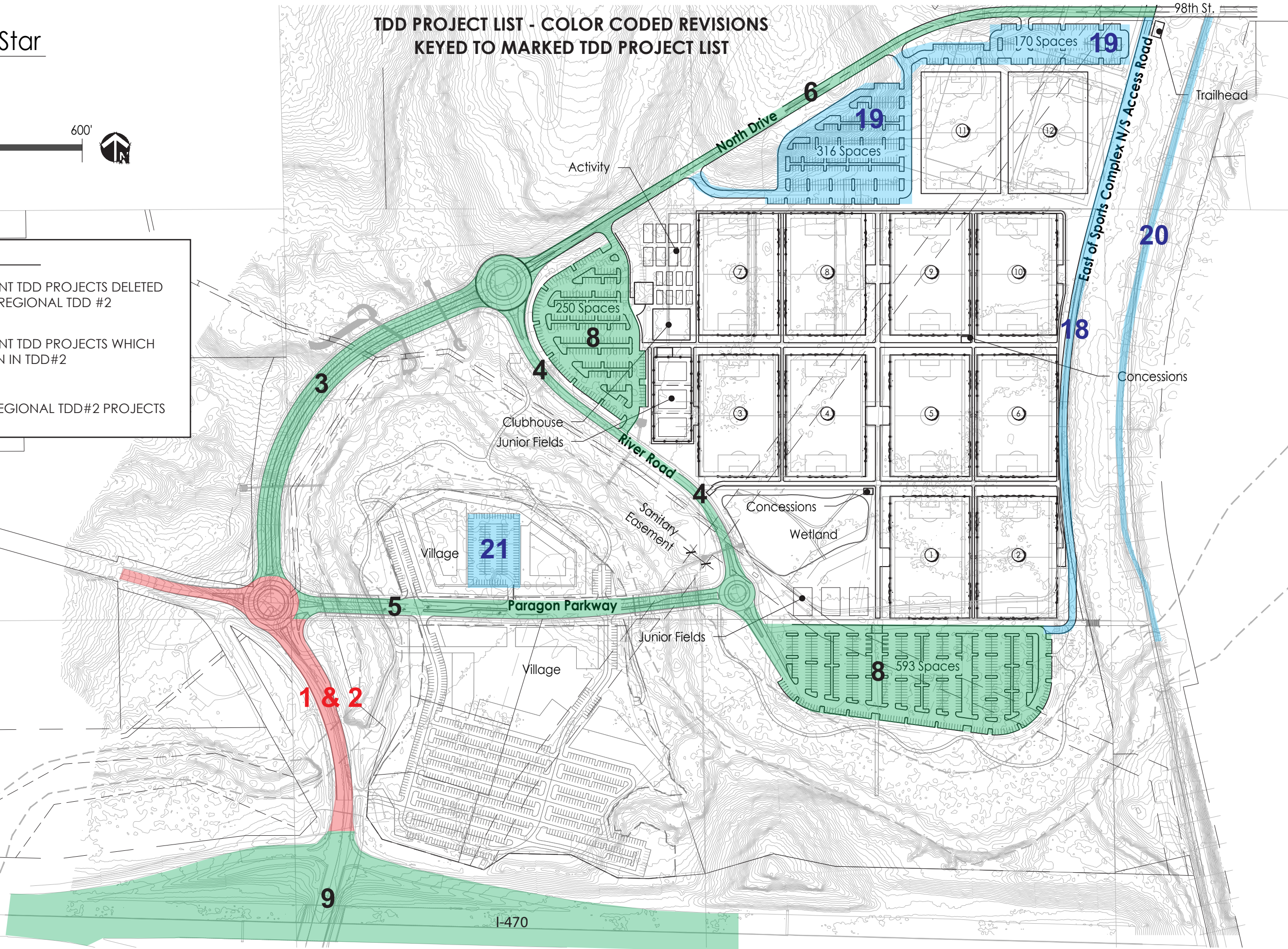
**LEGEND**

CURRENT TDD PROJECTS DELETED FROM REGIONAL TDD #2

CURRENT TDD PROJECTS WHICH REMAIN IN TDD#2

NEW REGIONAL TDD#2 PROJECTS

## TDD PROJECT LIST - COLOR CODED REVISIONS KEYED TO MARKED TDD PROJECT LIST





**TDD List of Projects - Keyed to Color Coded Map**  
**Marked Revisions to Current Regional TDD Project List**

**Current TDD List of Projects**

1	The extension of View High Drive from its current terminus of the four lane section at the Northerly Highway 470 Right of Way, north approximately 800 LF to and including a proposed Roundabout.
2	The connection of View High Drive from the Roundabout mentioned in #1, west, to existing View High Drive, approximately 400 LF.
3	The construction of <del>that portion</del> of View High Parkway within Lee's Summit city limits from a roundabout <del>mentioned in #1</del> , north approximately 1500 LF to and including <del>another</del> proposed roundabout.
4	The construction of River Road approximately 1500 LF from a <del>proposed</del> roundabout <del>mentioned in #3</del> , southeast to and including <del>another roundabout at the intersection with Paragon Parkway. due east of the roundabout mentioned in #1.</del>
5	The construction of <del>View High Boulevard</del> Paragon Parkway approximately 1600 LF from the <del>View High Drive</del> roundabout <del>mentioned in #1</del> , to the roundabout mentioned in #4, including the two bridges required to cross the little blue river.
6	The construction of a North Drive <del>98<sup>th</sup> Street for a length of approximately 800 LF</del> from a roundabout <del>mentioned in #3</del> , traveling towards the northeast <del>to the City limit</del> .
7	Mass grading of land adjacent to infrastructure improvements described above <del>in items #1 through #6</del> .
8	The construction of surface parking lots on the land adjacent to the infrastructure improvements described above <del>in items #1 through #6</del> .
9	Construction of improvements to I-470 and View High interchange.
10	Any earthwork, landscape, bridges, utility relocations and extensions, street lighting, wetland identification and mitigation, professional consultant costs associated with the <del>described improvements stated items #1 through #10</del> .
11	<del>I-470 and 350 Highway Transportation Improvements (not included in professional fees or contingency calculations below)</del>
12	Engineering Costs and other Professional Fees for improvements listed above.
13	Financing Costs and Interest for improvements listed above
14	Contingency on current projects listed above.

**New Projects to be added to TDD List of Projects**

15	Alternative Routes North to be owned and maintained by Transportation Development District
16	Right of Way for Alternative Routes North
17	Mass grading for Alternative Routes North
18	East of Sports Complex North/South Access Road
19	Parking Lots, North (2)
20	Shared Trail, in Rock Island railbed, approximately 1/2 mile
21	Parking Garage
22	Quarry Park Road Access from Pryor Road
23	Engineering Costs and other Professional Fees for improvements listed above.
24	Financing Costs and Interest for improvements
25	Contingency on new Projects listed above.

**Paragon Star Public Incentives Budget**  
**Working Draft for January 4, 2018 City Council Meeting**

REDEVELOPMENT PROJECT COSTS	Redevelopment Project Costs	Regional TDD	Community Improvement District	Tax Increment Financing Plan RPA#1	View High GO Bond	State of Missouri Project Funding	Jackson County, Missouri	Developer Equity or Private Financing
<b>1. Real Property Costs</b>								
Private Real Property	2,000,000							2,000,000
Property of City of Lee's Summit	1,006,494			417,536				\$588,958
Property of Jackson County, Missouri								
Alternative North Route ROW	2,965,500	2,500,000		465,500				
Other Land Costs	-	-						
Wetlands Mitigation	1,200,000			1,200,000				
Rock Island Railroad Trail (2 miles)	2,000,000					2,000,000		
Capital Replacement Fund for Fields	3,000,000					3,000,000		
Trailhead Parking Deck	2,000,000					2,000,000		
Trolley Cars	1,000,000					1,000,000		
<b>Total Real Property Costs</b>	<b>15,171,994</b>	<b>2,500,000</b>	<b>-</b>	<b>2,083,036</b>	<b>-</b>	<b>8,000,000</b>	<b>-</b>	<b>2,588,958</b>
<b>2. Sports Complex, Roads, Utility, Water, Sewer &amp; Infrastructure Improvements - 2 of 2</b>								
Sports Complex	14,101,833		3,326,802	10,775,031				
Sports Complex Technology	4,000,000					4,500,000		
Clearing & Grubbing	325,000	292,500	5,363	27,137				
Cut	1,387,000	1,249,000	22,770	115,230				
Fill, including fill for flood plan	2,305,000	1,305,000	165,000	835,000				
Landscape	500,000	450,000	8,250	41,750				
Bridge #1 (140x68)	1,428,000	1,428,000						
Bridge #2 (140x68)	1,428,000	1,428,000						
Sanitary Sewer within right of way	415,000	207,500	34,238	173,262				
Storm Sewer within right of way	582,000	465,600	19,206	97,194				
Water Main within right of way	660,000	528,000	21,780	110,220				
Seeding	232,000	185,600	7,656	38,744				
Road #1	291,000	-		291,000				
Road #2	770,000	-		770,000				
Road #3	792,000	792,000						
Road #4	486,000	486,000						
Roundabout	1,500,000	1,500,000						
Parking #1	1,727,000	1,727,000						
Parking #2	493,000	493,000						
Erosion Control (4%)	542,000	433,600	17,886	90,514				
Primary Electrical Duct Bank within right of way	625,000	562,500	10,313	52,157				
Improvements to Existing Interchange	6,000,000	5,000,000			1,000,000			
View High North of DDI	800,000					800,000		
Lee's Summit Waterline Extension	1,300,000			1,300,000				
North Village Infrastructure	694,000			694,000				
South Village Infrastructure	2,205,000			2,205,000				
Walking Trails (Little Blue Trace)	1,167,216					1,167,216		
Shared Trail	506,000	506,000						
View High Extension	-							
Alternative North Route / North South Access Road	3,000,000	3,000,000						
Additional Transportation Design for DDI	775,000	775,000						
Storm Water Pipe (Village)	1,000,000			1,000,000				
Parking Garage (Village)	8,000,000	4,000,000						4,000,000
<b>Subtotal Road, Utility, Infra,</b>	<b>60,037,049</b>	<b>26,814,300</b>	<b>3,639,264</b>	<b>18,616,239</b>	<b>1,000,000</b>	<b>6,467,216</b>	<b>-</b>	<b>-</b>
Contractor Overhead & Profit (9%)	5,403,334	2,413,287	327,534	1,675,462		582,049		-
Architecture Engineering (8%)	4,802,964	2,145,144	291,141	1,489,299		517,377		-
Contingency (15%)	9,005,557	4,022,145	545,890	2,792,436		970,082		-
<b>Total Sports Complex, Road, Utility, Infra,</b>	<b>\$79,248,905</b>	<b>\$35,394,876</b>	<b>\$4,803,828</b>	<b>\$24,573,435</b>	<b>\$1,000,000</b>	<b>\$8,536,725</b>	<b>\$0</b>	<b>\$0</b>

<b>3. Building Costs</b>								
Hotel	18,078,000							18,078,000
Retail (non-restaurant / bar)	4,900,000							4,900,000
Garage (300 stalls)	4,500,000							4,500,000
Retail (restaurant / bar)	6,000,000							6,000,000
Entertainment Center	23,580,000							23,580,000
Office	27,000,000							27,000,000
Residential	50,000,000							50,000,000
Clubhouse / Restaurant	8,090,560							8,090,560
<b>Subtotal Building Costs</b>	<b>142,148,560</b>							<b>142,148,560</b>
Contractor Overhead & Profit (9%)	included							
Architecture Engineering (7%)	included							
Contingency (15%)	included							
<b>Total Building Costs</b>	<b>\$142,148,560</b>							<b>\$142,148,560</b>
<b>4. Soft Costs</b>								
Infrastructure	124,000		20,460	103,540				
Traffic Study	28,000		4,620	23,380				
Excise Tax	700,000							700,000
Environmental Impact Statement Wetlands	150,000		24,750	125,250				
Site Survey	25,000		4,125	20,875				
Other Studies (including not limited to RERC, HVS, hotel, Integra))	310,000		51,150	258,850				
Legal Fees - Development	350,000		57,750	292,250				
Legal Fees - Development	200,000		33,000	167,000				
Legal Fees - Transaction	850,000		24,750	125,250				650,000
Other Professional Consultants, predevelopment, including City consultants, plan implementation	450,000		74,250	375,750				
Other Professional Consultants, predevelopment, including City consultants, plan implementation	200,000		33,000	167,000				
Developer Fee	1,500,000		247,500	1,252,500				
Title Costs, closing costs, Taxes, Insurance & Misc.	200,000		33,000	167,000				
Construction Management & Design / Engineering Contingency	4,549,115					\$4,549,115		
Construction Interest and Financing Costs	455,000		12,538	75,985				364,000
<b>Total Soft Costs</b>	<b>\$10,091,115</b>	<b>\$0</b>	<b>\$620,893</b>	<b>\$3,154,630</b>	<b>\$0</b>	<b>\$4,549,115</b>	<b>\$0</b>	<b>\$1,714,000</b>
<b>TOTAL PROJECT COSTS</b>	<b>\$246,660,574</b>	<b>\$37,894,876</b>	<b>\$5,424,721</b>	<b>\$29,811,101</b>	<b>\$1,000,000</b>	<b>\$21,085,840</b>	<b>\$0</b>	<b>\$146,451,518</b>
Total Project Costs (Rounded)	\$247,000,000	\$38,000,000	\$5,000,000	\$30,000,000	\$1,000,000	\$21,000,000		\$146,000,000
Percentage of Contribution to Project Costs		15.38%	2.02%	12.15%	0.40%	8.50%	0.00%	59.11%
Approved TIF Plan 2-17-16	212,000,000	21,904,000	1,038,000	13,141,000	1,000,000	20,000,000		151,000,000
		10.33%	1.90%	6.20%	0.47%	9.43%		71.23%

Yellow cells are the cells that would change compared to the budget in the TIF Plan approved in 2016.



## Packet Information

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**File #:** RES. NO. 18-01, **Version:** 1

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A RESOLUTION SUPPORTING THE FORMATION OF THE I-470 WESTERN GATEWAY TRANSPORTATION DEVELOPMENT DISTRICT.

Issue/Request:

This resolution will authorize a new regional Transportation Development District (TDD), to replace the existing regional TDD, in connection with the Paragon Star project and the development of other properties that serve as the western gateway to Lee's Summit along I-470 and View High Drive. The purpose of forming a new TDD and replacing the existing regional TDD is to include additional properties, including the Paragon Star retail area, and fund additional projects in the region.

Key Issues:

This resolution will authorize staff to file an action in Jackson County Circuit Court to form the I-470 Western Gateway Transportation Development District. This TDD will fund improvements to the I-470 and View High interchange to convert View High Drive under the interstate into a diverging-diamond configuration, along with other transportation improvements within and near the TDD.

Proposed City Council Motion:

If supportive of the creation of the TDD: I move to adopt Resolution 18-01.

Background:

**The Existing Regional TDD (Southwest I-470 TDD) -**

The City Council previously authorized the formation of the Southwest I-470 Transportation Development District (the "Southwest I-470 TDD"). This TDD was approved by the Jackson County Circuit Court on September 12, 2016 and formation was completed in an election of the property owners in December 2016. The Southwest I-470 TDD generally includes the property within the Summit Woods Shopping Center and property along the north side of I-470 from Pryor Road to View High Drive. The purpose of the Southwest I-470 TDD was to fund regional transportation improvements that would allow the Paragon Star sports and entertainment complex to be constructed.

The Southwest I-470 TDD is operational, but the TDD sales tax has not been imposed. There are several conditions that must be satisfied to impose the Southwest I-470 TDD sales tax, some of which have not been completed. The boundaries of the Southwest I-470 TDD did not include the planned retail areas in the Paragon Star project.

**Public Incentive Restructuring -**

The City Council has previously approved a TIF Plan and a Community Improvement District for the project, along with the TDD discussed above. Paragon Star is preparing to restructure the public financing components of the project, which includes a larger transportation development district that will fund additional road and transportation projects. This restructuring includes a larger TDD so that the sales tax is also imposed on the retail areas in the Paragon Star project.

Expansion of an existing TDD requires the unanimous consent of all property owners in the existing TDD area. This would be practically impossible given the diverse ownership of property in the existing Southwest I-470 TDD.

As a result, Paragon Star is proposing to form a new TDD which would have expanded boundaries and an expanded project list. If approved, the 1% sales tax would go into effect throughout the district boundaries, including the Summit Woods shopping center and the planned retail area for the Paragon Star project.

If the prepared resolution is approved by the City Council, the Paragon Star Community Improvement District will adopt a similar resolution and then City staff will file a petition in Jackson County Circuit Court to form the new TDD. If the new TDD is approved at an election by the property owners in the district area, the existing Southwest I-470 TDD will be terminated. Only one new 1% sales tax will be imposed in the Summit Woods Shopping Center.

**Timeline:**

If the prepared resolution is approved, the TDD petition would be filed in circuit court as soon as the Paragon Star CID approves a similar resolution of support. It is projected that a court order for the TDD could be received during the first quarter of 2018, subject to circuit court dockets and scheduling, and the property owner election would occur during the second quarter of 2018.

**Presenters:**

- Paragon Star Development Team
- David Bushek, Gilmore & Bell, economic development counsel for the City
- City Staff

## **RESOLUTION NO. 18-01**

---

A RESOLUTION SUPPORTING THE FORMATION OF THE I-470 WESTERN GATEWAY TRANSPORTATION DEVELOPMENT DISTRICT.

WHEREAS, the City of Lee's Summit, Missouri (the "City") desires to facilitate certain transportation-related projects consisting of funding and assistance in funding of certain bridge, street, road, highway, access road, interchange, signage, signalization, parking lot, or other related improvements and infrastructure all within the City which are connected with the I-470 and View High Interchange and other arterial and collector street improvements in the vicinity of the interchange and along the View High Road corridor; and,

WHEREAS, the City Council hereby finds that the foregoing improvements described above will significantly improve the safety and welfare of the citizens of the City, enhance the economic viability of development along such roads and highway and connecting streets and properties within the City, and otherwise benefit the residents and businesses within the City; and,

WHEREAS, the City Council finds and determines that the creation and implementation of a transportation development district, to be known as the I-470 Western Gateway Transportation Development District ("Western Gateway TDD") pursuant to Section 238.207.5 of the Revised Statutes of Missouri, as amended, will provide a source of revenue to fund said improvements, and therefore the creation and implementation of the Western Gateway TDD is in the best interests of the citizens of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT AS FOLLOWS:

SECTION 1. The City finds and determines that it is in the best interests of the City to create the Western Gateway TDD for the purpose of funding the costs of the transportation-related improvements as described in the Petition for the Creation of a Transportation Development District (the "Petition"), which is attached as Exhibit A hereto and incorporated herein by reference.

SECTION 2. City staff, Gilmore & Bell, P.C., and other appropriate City officials are hereby authorized and directed to execute the Petition, in substantially the form attached as Exhibit A, and are further authorized and directed to make final modifications to the Petition as deemed necessary to carry out the purpose and intent of this resolution and the plan of financing for the TDD, and take such other steps as are necessary to create and implement the transportation development district in accordance with Chapter 238 of the Revised Statutes of Missouri, as amended, including, but not limited to, filing and prosecuting the Petition in the Circuit Court of Jackson County, Missouri, and executing and delivering for and on behalf of the City all pleadings, amended pleadings and petitions, motions, court filings, certificates, instruments, consents and agreements or other documents as may be necessary, desirable, convenient, or proper to perform all matters authorized herein.

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

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and approval.

## RESOLUTION NO. 18-01

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Passed by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*

## **RESOLUTION NO. 18-01**

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### EXHIBIT A FORM OF PETITION

*[See attached]*

**IN THE CIRCUIT COURT OF JACKSON COUNTY  
STATE OF MISSOURI**

**IN RE THE CREATION OF THE  
I-470 WESTERN GATEWAY  
TRANSPORTATION  
DEVELOPMENT DISTRICT.**

**CITY OF LEE’S SUMMIT, MISSOURI,**  
220 S.E. Green Street  
Lee’s Summit, Missouri 64063  
a Missouri constitutional charter city

Petitioner,

vs.

**I-470 AND VIEW HIGH COMMUNITY  
IMPROVEMENT DISTRICT,**  
a Missouri political subdivision  
c/o Bushyhead, LLC  
315 SE Main Street  
Lee’s Summit, MO 64063

**JACKSON COUNTY, MISSOURI,**  
c/o County Legislative Clerk  
415 E. 12<sup>th</sup> Street  
Kansas City, MO 64106

-and-

**MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION,**

SERVE:  
Pamela Harlan  
Secretary to the Commission  
Highways and Transportation Office Building  
105 West Capitol Avenue  
Jefferson City, Missouri 65101  
Telephone: 573-751-2824

Respondents.

Case No. \_\_\_\_\_

Division \_\_\_\_\_

**PETITION FOR THE CREATION OF A  
TRANSPORTATION DEVELOPMENT DISTRICT**

COMES NOW, Petitioner, by and through its attorneys, pursuant to the Missouri Transportation Development District Act, Sections 238.200 to 238.280 of the Revised Statutes of Missouri, as amended ("**TDD Act**") (all statutory references are to RSMo unless otherwise indicated), and files this Petition for the purpose of creating a transportation development district ("**District**"), and in support thereof states as follows:

**I. The Parties**

1. Petitioner, City of Lee's Summit, Missouri ("**City**"), a constitutional charter city of the state in which the District will be located, is a "local transportation authority" within the meaning of Section 238.202.1(4) of the TDD Act, and for purposes of filing a petition for creation of the District pursuant to Section 238.207.5 of the TDD Act.
2. Respondent, the Board of Directors of the I-470 and View High Community Improvement District, (the "**CID**"), a community improvement district and political subdivision of the state in which the District will be located, is a "local transportation authority" within the meaning of Section 238.202.1(4) of the TDD Act.
3. Respondent, Jackson County, Missouri (the "**County**"), is a political subdivision of the state in which the District will be located and is a "local transportation authority" within the meaning of Section 238.202.1(4) of the TDD Act.
4. Respondent, Missouri Highways and Transportation Commission ("**MHTC**"), is the state agency constitutionally responsible for constructing and maintaining the Missouri highway system and is a necessary party under Section 238.207.5(3)(c) of the TDD Act.
5. All necessary respondents have been joined.

**II. Jurisdiction and Venue**

6. Jurisdiction is proper in this Court pursuant to Section 238.207.5, of the TDD Act.
7. Venue is proper in this Court pursuant to Section 238.207.5, of the TDD Act, in that the proposed District lies entirely within Jackson County, Missouri.

**III. Petition Requirements**

8. Petitioner City is the governing body of a local transportation authority acting in its official capacity calling for the joint establishment of the District pursuant to Section 238.207.5 of the TDD Act. A resolution of the City Council of the City calling for the establishment of



the District is attached hereto as **Exhibit D**.

9. Respondent CID is an affected local transportation authority within the District and supports the formation of the District. A resolution of the board of directors of the CID calling for the establishment of the District is attached hereto as **Exhibit D**.
10. Respondent County is an affected local transportation authority within the District because it will have jurisdiction over one or more of the Transportation Projects (as defined below).
11. The name and address of each Respondent, including the Missouri Highways and Transportation Commission and each “affected” local transportation authority within the boundaries of the District (except the Petitioner), is listed as follows:

I-470 & View High Community Improvement District  
315 SE Main Street  
Lee’s Summit, MO 64063

Jackson County, Missouri  
415 E. 12<sup>th</sup> Street  
Kansas City, MO 64106

Missouri Highways and Transportation Commission  
105 West Capitol Avenue  
Jefferson City, Missouri 65101

12. The District is composed of contiguous land pursuant to Section 238.207.5(2) of the TDD Act.
13. The property to be included in the proposed District is specifically described in **Exhibit A**, attached hereto and incorporated herein, and the boundaries of the proposed District are illustrated on the map that is **Exhibit B**, attached hereto and incorporated herein.
14. The name of the proposed District will be the “I-470 Western Gateway Transportation Development District.”
15. The board of directors of the District will have six (6) members which shall be comprised of the presiding officer of each affected local transportation authority and one person designated by the governing body of each affected local transportation authority within the District pursuant to Section 238.220.3(1) of the TDD Act; provided that upon the dissolution of any affected local transportation authority, the board of directors of the District shall be comprised of the presiding officer and the authorized designee of each remaining affected local transportation authority within the District.

16. The terms of office of the board members who are the presiding officers of the City, CID and County shall coincide with their terms as a presiding officer for the appropriate affected local transportation authority. The terms of office of the board members who are appointed by the governing body of each of the City, CID and County shall be as designated by the appropriate governing body, and such persons may be removed by the appropriate governing body at any time with or without cause.
17. The transportation projects to be undertaken by the District (each a “**Transportation Project**” or collectively the “**Transportation Projects**”) shall consist of funding and assistance in funding of certain bridge, street, road, highway, access road, interchange, signing, signalization, parking lot, parking garage, or other related improvements and infrastructure, along with engineering and other professional costs associated with the improvements, all as more particularly described in **Exhibit C**. The approximate location of the Transportation Projects are set forth in the map in **Exhibit C**.
18. The Transportation Projects will be funded from the proceeds of a transportation development district sales tax (the “**TDD Sales Tax**”) to be imposed by the District pursuant to Section 238.235 of the TDD Act. Under the TDD Act, the District may impose the TDD Sales Tax upon approval of the “qualified voters” (as defined in Section 238.202.2(2) of the TDD Act) of the District in increments of one-eighth of one percent up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the District, if such property or service are subject to taxation by the State of Missouri pursuant to the provisions of Section 144.010 to 144.525 of the Revised Statutes of Missouri, as amended, except the TDD Sales Tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities, including the sale of electricity or electrical current, water and gas, natural or artificial, nor to sales of services to telephone subscribers, either local or long distance.
19. The Petitioners desire to seek qualified voter approval of the imposition of the TDD Sales Tax at a rate not to exceed one percent (1.0%) on all transactions subject to sales taxes imposed by the District pursuant to Sections 238.235 of the Act (“**TDD Sales Tax**”) to (i) pay costs of financing or refinancing the Transportation Projects; (ii) reimburse the Petitioners for the costs of filing and defending this Petition authorized by Section 238.217 of the TDD Act; and (iii) pay the principal of, premium, if any and interest on bonds, notes

or other obligations issued pursuant to Section 238.240 or 238.242 of the TDD Act (the “**TDD Obligations**”); and (iv) to fund the costs of financing or refinancing the Transportation Projects.

20. The TDD Sales Tax is the only funding method that is planned for the District.
21. Portions of the proposed Transportation Projects are intended to be merged with the state highways and transportation system and therefore are under the Commission’s jurisdiction (the “**State Portion of the Transportation Projects**”). The remaining portions of the Transportation Projects are not intended to be so merged (the “**Local Portion of the Transportation Projects**”). Approval authority for the Local Portion of the Transportation Projects pursuant to Section 238.225, of the TDD Act, will vest with the City, or other local transportation authority, respectively, subject to all necessary permitting requirements of the applicable local transportation authorities.
22. [The District’s proposed boundaries will overlap the Southwest I-470 Transportation Development District (the “**Southwest I-470 TDD**”). The Southwest I-470 TDD will be terminated concurrently with or immediately following a successful election establishing the District.]

#### **IV. Dissolution of the District and Repeal of the TDD Sales Tax**

23. After the development and initial maintenance costs of the Transportation Projects have been paid, the District shall transfer ownership and control thereof to MHTC, or the City or another appropriate political subdivision of the state, as applicable, provided in Section 238.275 of the TDD Act, unless such transfer is made sooner with the consent of the recipient.
24. The District shall be dissolved only in compliance with Section 238.275 of the TDD Act. In no event shall the TDD Sales Tax be repealed, in whole or in part, nor shall the District be dissolved, until payment in full and satisfaction of all obligations, except in accordance with the TDD Act.
25. The proposed District will not be an undue burden on any owner of property within the District and is not unjust or unreasonable.

WHEREFORE, the Petitioners request that the Court enter a judgment and decree:

- (a) Finding and certifying that this Petition is not legally defective and that the Respondents have been duly served with process in this action, or otherwise properly appeared in this action;

- (b) Finding and certifying that the District is contiguous pursuant to Section 238.207.5(2) of the TDD Act;
- (c) Finding and certifying that the District is neither illegal nor unconstitutional and certifying the creation of the District for qualified voter approval;
- (d) Finding and certifying that the proposed funding method and mechanism is neither illegal nor unconstitutional and certifying such funding mechanism for qualified voter approval;
- (e) Finding and certifying that the proposed District is not an undue burden on any owner of real property within the District and is not unjust or unreasonable;
- (f) Finding and certifying that each Transportation Project is an authorized "project" within the meaning of Section 238.202.1(5) of the Act;
- (g) Finding and certifying the question regarding District creation, Transportation Projects development, and proposed funding for voter approval pursuant to Section 238.210.2 of the TDD Act;
- (h) Finding and certifying that the Circuit Court Clerk provided notice to the public by causing one or more newspapers of general circulation serving Jackson County to publish once a week for four consecutive weeks a notice substantially in the form set forth in Section 238.212.1 of the Act;
- (i) Ordering the Circuit Court Clerk, pursuant to Section 238.216 of the TDD Act, to prepare a ballot containing a single question regarding the creation of the District, the development of the Transportation Projects, and the imposition of the TDD Sales Tax in substantially the form set forth in Section 238.215.3(1) of the TDD Act;
- (j) Ordering the Circuit Court Clerk, pursuant to Section 238.216 of the TDD Act, to cause the conduct of a mail-in election, including but not limited to, the mailing of a ballot to each qualified voter who applied for a ballot pursuant to Section 238.216 of the TDD Act, providing specific mail-in election instructions, and specifying the date voted ballots shall be returned to the Circuit Court Clerk's office by mail or hand delivery;
- (k) Ordering the Circuit Court Clerk to transmit a certified copy of the results of the election to the Clerk of Jackson County, and ordering the Clerk of Jackson County to cause the same to be spread upon the records of the Jackson County Commission; and
- (l) for such other orders and findings as the Court may deem necessary and proper.

Respectfully submitted,

GILMORE & BELL, P.C.

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

David W. Bushek, MO #42645  
Richard W. Wood, MO #43718  
2405 Grand Boulevard, Suite 1100  
Kansas City, Missouri 64108  
Telephone: (816) 221-1000  
Facsimile: (816) 221-1018  
Email: [rwood@gilmorebell.com](mailto:rwood@gilmorebell.com)  
[dbushek@gilmorebell.com](mailto:dbushek@gilmorebell.com)

*Attorneys for Petitioner City of Lee's Summit,  
Missouri*

**EXHIBIT A**  
**LEGAL DESCRIPTION**

[Attached]

TRACT 1

Owners:

City of Lee's Summit  
Target Corporation  
Summit Woods, SPE, LLC  
Summit Woods Global, LLC  
Blue Ridge Bank & Trust  
Cole OB Lee's Summit, MO  
Rare Hospitality International, Inc.  
Flint Investment Company, LLC

Parcel ID:

51-800-54-04-00-0-00-000  
51-800-54-06-00-0-00-000  
51-700-03-09-00-0-00-000  
51-700-03-12-00-0-00-000  
51-700-03-13-00-0-00-000  
51-700-03-14-00-0-00-000  
51-700-03-15-00-0-00-000  
51-700-03-16-00-0-00-000  
51-700-03-17-00-0-00-000  
51-700-03-18-00-0-00-000  
51-700-03-19-00-0-00-000  
51-700-03-23-00-0-00-000  
51-700-03-24-00-0-00-000

All of CHIPMAN-HWY 50 FINAL PLAT, a subdivision of land in Lee's Summit, Jackson County, Missouri, EXCEPT Tract C, Tract D, Lot 17 and Lot 18.

TRACT 2

Owner:

Summit Woods Global, LLC  
BEF Reit, Inc.  
Midamerican Investments, LLC

Parcel ID:

51-700-03-20-00-0-00-000  
51-700-03-21-00-0-00-000  
51-700-03-22-00-0-00-000

All of CHIPMAN-HWY 50 2ND PLAT, a subdivision of land in Lee's Summit, Jackson County, Missouri.

TRACT 3

Owner:

DHC Partners, LLC  
Summit Woods, SPE, LLC

Parcel ID:

51-800-54-07-00-0-00-000  
51-800-54-08-00-0-00-000

All of CHIPMAN-HWY 3<sup>RD</sup> PLAT LOT 14A & TRACT B1, a subdivision of land in Lee's Summit, Jackson County, Missouri.

TRACT 4

Owner:

The Family Ranch, LLC

Parcel ID:

51-800-02-11 -00-0-00-000

All that part of Section 35, Township 48, Range 32, In Lee's Summit, Jackson County, Missouri, described as follows:

From the center of said Section 35, run South 43 rods (709.5 feet); thence North 75 degrees West 9 rods (148.5 feet) to the point of beginning of the tract described herein; thence North 30 degrees East 97 rods (1600.5 feet); thence North 58 degrees West 44-3/4 rods (738.38 feet); to the East line of the Southeast 1/4 of the Northwest 1/4 of said Section 35; thence North along said East line 10 rods (165 feet) to the Northeast corner of said 1/4 1/4 section; thence West along the North line of said 1/4 1/4 section 970 feet; more or less to a point 350 feet East of the Northwest corner of said 1/4 1/4 section; thence South parallel with the West line of said 1/4 1/4 section 124 feet; thence West parallel with the North line of said 1/4 1/4 section 350 feet to the West line of said 1/4 1/4 section; thence South along said West line, 1225.31 feet to a point 29.31 feet South of the Northwest corner of the Northeast 1/4 of Southwest 1/4 of said Section 35; thence East parallel with the North line of said 1/4 1/4 section, 265.30 feet; thence South parallel with the West line of said 1/4 1/4 section, 441.15 feet to a point in a line bearing South 75 degrees East end passing through the point of beginning, thence South 75 degrees East along said line to the point of beginning

EXCEPTING that part described as follows: All that part of the Southeast Quarter of the Northwest 1/4 of Section 35, Township 48, Range 32, described as follows: Beginning at a point 124 feet South of the Northwest corner of said Quarter Quarter Section; thence East 350 feet; thence South 124 feet; thence West 350 feet to the West line of said Quarter Quarter Section; thence North 124 feet to the point of beginning.

Also EXCEPTING all that part South of the North R/W line of Interstate Route 470 by Suit No. 741042 in the Circuit Court of Jackson County, Missouri.



## TRACT 5

Owner:

The Family Ranch, LLC

Parcel ID:

51-800-01-03-00-0-00-000

A tract of land in the Southwest Quarter of the Northeast Quarter of Section 35, Township 48, Range 32, City of Lee's Summit, Jackson County, Missouri, more particularly described as follows:

Commencing at the Southwest corner of the Northeast Quarter of said Section 35; thence South 86 degrees 35 minutes 26 seconds East along the South line of said Northeast Quarter Section, a distance of 1311.71 feet to the Southeast corner of the Southwest Quarter of said Northeast Quarter Section, thence North 2 degrees 28 minutes 04 seconds East along the East line of the Southwest Quarter of said Northeast Quarter Section and parallel with the West line of said Northeast Quarter Section, a distance of 282.38 feet (282.15 feet Deed); thence North 52 degrees 58 minutes 43 seconds West, a distance of 18.00 feet (North 53 degrees 45 minutes 21 seconds West, a distance of 22.33 feet Deed) to a point on the North right of way line of Interstate No. 470 as now established. said point being the point of beginning; thence continuing North 52 degrees 58 minutes 43 seconds West, a distance of 833.08 feet (North 53 degrees 45 minutes 21 seconds West, a distance of 841.82 feet Deed); thence South 33 degrees 03 minutes 26 seconds West, a distance of 526.71 feet (South 31 degrees 23 minutes 25 seconds West, a distance of 517.25 feet, Deed) to a point on the North right of way line of said Interstate 470; thence South 84 degrees 53 minutes 05 seconds East, a distance of 561.37 feet (South 85 degrees 06 minutes 10 seconds East along said North Highway right of way line, a distance of 561.58 feet, Deed); thence North 87 degrees 59 minutes 25 seconds East, a distance of 201.56 feet (North 87 degrees 46 minutes 20 seconds East along said North right of way line, a distance of 201.56 feet, Deed); thence South 84 degrees 53 minutes 05 seconds East, a distance of 192.65 feet (South 85 degrees 06 minutes 10 seconds East along said North right of way line, a distance of 188.09 feet, Deed); to the point of beginning, subject to that part thereof in roads.

## TRACT 6

Owner:

Captain Fancy Two, LLC

Parcel ID:

51-800-02-06-00-0-00-000

Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 48 North, Range 32 West in Lee's Summit, Jackson County, Missouri, more particularly described as follows:

Beginning at the Northwest corner of said Quarter Quarter Section; thence South 86 degrees 36 minutes 33 seconds East along the North line of said Quarter Quarter Section, a distance of 1308.17 feet to a point being 20.00 feet Westerly of the East line of said Quarter Quarter Section; thence

South 02 degrees 29 minutes 11 seconds West (South 03 degrees 00 minutes 16 seconds West-Deed) parallel with the East line of the Southwest Quarter of the Northwest Quarter of said Section 35, a distance 980.90 feet to a point on the existing North right of way line of I-470 Highway; thence North 85 degrees 08 minutes 16 seconds West (North 85 degrees 02 minutes 17 seconds West-Deed) along said existing North right of way line, a distance of 145.28 feet (127.64 feet-Deed) to a point being 150 feet left of Highway Station 354+00; thence North 78 degrees 00 minutes 46 seconds West (North 77 degrees 54 minutes 47 seconds West-Deed) continuing along said existing North right of way line of I-470 Highway, a distance of 201.56 feet to a point being 175 feet left of Highway Station 352+00; thence North 85 degrees 08 minutes 16 seconds West (North 85 degrees 02 minutes 17 seconds West-Deed) continuing along said existing North right of way line of I-470 Highway, a distance of 966.76 feet (967.23 feet-Deed) to a point on the West line of said Quarter Quarter Section; thence North 02 degrees 36 minutes 11 seconds East (North 02 degrees 37 minutes 26 seconds East-Deed) along said West line, a distance of 922.17 feet (923.46 feet-Deed) to the point of beginning.

AND ALSO, the East 20.00 feet of said Quarter Quarter, bounded on the South by the North R/W line of Interstate Route 470 by Suit No. 741042 in the Circuit Court of Jackson County, Missouri, and bounded on the North by the Westerly extension of the South line of a Tract described in a warranty deed recorded in Book 1123 at Page 1716 in the recorder's office of Jackson County, Missouri.

#### TRACT 7

Owner:

The Family Ranch, LLC

Parcel ID:

51-900-01-11-00-0-00-000

The North half of the Southeast Quarter of the Northeast Quarter of Section 34, Township 48, Range 32, Lee's Summit, Jackson County, Missouri, except part in roads.

#### TRACT 8

Owner:

City of Lee's Summit

Parcel ID:

51-900-02-06-02-0-00-000

All that part of the Northeast Quarter of Section 34, Township 48, Range 32, in the City of Lee's Summit, Jackson County, Missouri, described as follows:

Beginning on the West line of said Quarter Section, and 420.99 feet North of the Southwest Corner thereof, said point being an angle point in the right of way of the Chicago, Rock Island and Pacific Railroad Company, and said point lying opposite Station 761+95 thereof; thence North 79°12'09" East, this and subsequent bearings referring to the West line of the Northwest Quarter of said Section 34 as having a bearing of North 02°29'42" East, along the Southerly line of a jog in said

Railroad right of way, a distance of 263.10 feet, to a point lying 50 feet from the centerline of the main track of said Railroad Company, measured at right angles thereto; thence North 09°16' 45" West, and parallel to said centerline of main track, a distance of 416.73 feet; thence North 87°30'18" West a distance of 171.02 feet, to a point on the West line of said Quarter Section; thence South 02°29'42" West, a distance of 468.45 feet, to the point of beginning. Except that part in Highway Right-of-Way.

TRACT 9

Owner:

Rock Island Railroad

All that part of Railroad Right-of-Way in the North half of Section 34, Township 48, Range 32, lying North of and adjacent to Interstate 470, in the City of Lee's Summit, Jackson County, Missouri.

TRACT10

Owner:

City of Lee's Summit

Parcel ID:

51-900-02-01-00-0-00-000

All of the North 500 feet of the following described Tract of land:

The North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 34, Township 48, Range 32, in Jackson County, Missouri, except that part of said  $\frac{1}{2}$  of  $\frac{1}{4}$  Section conveyed to Robert McKay by deed dated April 6, 1903 and recorded in the Office of the Recorder of Deeds for Jackson County, Missouri, at Independence, in Book 244 at Page 193, and except that part of said  $\frac{1}{2}$  of  $\frac{1}{4}$  Section conveyed to the Kansas City Rock Island Railway Company by deed recorded in the Office of the Recorder of Deeds for Jackson County, Missouri, at Independence, in Book 244 at Page 79, containing 76.402 acres.

TRACT 11

Owner:

State of Missouri

All of the Right-of-Way of Interstate 470, beginning at the North- South Centerline of Section 34; thence Easterly to the East line of Section 35, all in Township 48, Range 32, in the City Lee's Summit, Jackson County, Missouri.

Owner:

Jacomo Trucking, Inc.  
Jacomo Trucking, Inc.  
Jacomo Trucking, Inc.  
Jacomo Trucking, Inc.

Parcel #:

51-800-01-04-01-1-00-000  
51-800-01-04-01-2-00-000  
51-800-01-04-02-1-00-000  
51-800-01-06-01-2-00-000

Legal Descriptions to be provided prior to filing Petition.

TRACT 1

Owner:

The Family Ranch, LLC

Parcel ID:

51-400-03-08-00-0-00-000

The Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 27, Township 48, Range 32, except 6.97 acres heretofore sold and except beginning 25 feet West of the Southeast corner of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section; thence East 25 feet; thence North 88.8 feet; thence Southwest to beginning, in Kansas City, Jackson County, Missouri.

TRACT 2

Owner:

The Family Ranch, LLC

Parcel ID:

51-440-06-01-00-0-00-000

All of Lot 6, TOWN OF VALE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

TRACT 3

Owner:

The Family Ranch, LLC

Parcel ID:

51-440-01-00-0-00-000

All of Lot 7, TOWN OF VALE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

TRACT 4

Owner:

Short Family Properties, LLC

Parcel ID:

51-400-03-06-00-0-00-000

The Southwest Quarter of the Southwest Quarter of Section 27, Township 48, Range 32, in Kansas City, Jackson County, Missouri except the West 10 acres and except the North 40 feet thereof in road.

TRACT 5

Owner:

Lee's Summit I, LLC

Parcel ID:

51-400-03-15-00-0-00-000

All of Lot 2, MASONIC HOME OF MISSOURI-WESTERN UNIT, a subdivision in Kansas City, Jackson County, Missouri according to the recorded plat thereof.

#### TRACT 6

Owner:

RBTL Industries, LLC

Parcel ID:

51-400-03-02-00-0-00-000

A tract of land in the Southwest Quarter of Section 27, Township 48, Range 32, in Kansas City, Jackson County, Missouri described as beginning at the Southeast corner of the North half of said Quarter Section and running thence North 0 degree 54 minutes 31 seconds West along the East line of said Quarter Section, 976.94 feet to the centerline of Bannister Road; thence Northwesterly along said centerline, 459.5 feet; thence South 0 degree 54 minutes 31 seconds East along a line which is 384.73 feet West of and parallel to the said East line of the Southwest Quarter of said Section, a distance of 1717.23 feet; thence along a line described in previous deeds as bearing North 38 degrees 15 minutes East, but actually bearing North 37 degrees 08 minutes 41 seconds East, a distance of 624.08 feet to the point of beginning, except that part in roads, if any.

ALSO

Except that part lying within 50.00 feet of the centerline of Bannister Road, as it presently exists.

#### TRACT 7

Owner:

RBTL Industries, LLC

Parcel ID:

51-440-03-01-00-0-00-000

That part of the Northwest Quarter of the Southeast Quarter of Section 27, Township 48, Range 32, Kansas City, Jackson County, Missouri, described as follows: beginning at a point on the West line of the Northwest Quarter of the Southeast Quarter of said Section 27, said point being located 392.80 feet Southerly from the Northwest corner of the Northwest Quarter of the Southeast Quarter of Section 27, said point also being in the Southerly right of way line of Bannister Road 40 feet from the center line as now established; thence continuing Southerly along said West line of said Northwest Quarter of said Southeast Quarter of said Section 27, 930.77 feet of the Southwest corner of said Northwest Quarter of said Southeast Quarter of said Section 27; thence Easterly along the South line of said Northwest Quarter of said Southeast Quarter of said Section 27, 387.57

feet to a point in the Westerly right of way line of the Chicago Rock Island and Pacific Railroad; thence Northerly along said Westerly right of way line of said Railroad parallel to the center line of said Railroad, 390.95 feet to a point; thence Easterly and perpendicular to the last described course 100.00 feet to a point; thence Northerly and perpendicular to the last described course along the Westerly right of way line of said Railroad, parallel to the center line of said Railroad 369.76 feet to a point in the Southerly right of way line of Bannister Road, 40 feet from the center line of said Bannister Road, as now established; thence Northwesterly along said Southerly right of way line and along a curve to the right having a radius of 1,482.76 feet, an arc distance of 745.75 feet to the point of beginning, except that part in roads, if any.

ALSO

Except that part lying within 50.00 feet of the centerline of Bannister Road, as it presently exists.

#### TRACT 9

Owner:

City of Kansas City

Parcel ID:

No ID No.

All of East 97<sup>th</sup> Street Right-of-Way dedicated per MASONIC HOME OF MISSOURI-WESTERN UNIT, a subdivision in Kansas City, Jackson County, Missouri according to the recorded plat thereof.

#### TRACT 10

Owner:

City of Kansas City

Parcel ID:

No ID No.

All that part of East 97<sup>th</sup> Street (Wood Street) Right-of-Way, lying West of Rock Island Right-of-Way, dedicated per TOWN OF VALE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

#### TRACT 11

Owner:

City of Kansas City

Parcel ID:

No ID No.

All that part of East 98<sup>th</sup> Street (Gabbert Street) Right-of-Way, lying West of Rock Island Right-of-Way, dedicated per TOWN OF VALE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

RPA-1 TIF Legal Description:

A tract of land situated in Section 34, Township 48 North, Range 32 West, in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Owner:

Jackson County, MO  
Happy Valley Properties, LLC  
Happy Valley Properties, LLC  
Happy Valley Properties, LLC  
Happy Valley Properties, LLC  
Jackson County, MO  
City of Lee's Summit, MO  
Jackson County, MO  
City of Lee's Summit, MO

Parcel No.

51-900-02-02-01-0-00-000  
51-900-02-07-00-0-00-000  
51-900-02-10-00-0-00-000  
51-900-02-09-00-0-00-000  
51-900-02-08-00-0-00-000  
51-900-02-02-03-0-00-000  
51-900-02-01-00-0-00-000  
51-900-02-06-01-0-00-000  
51-900-02-06-02-0-00-000

Beginning at the Southwest corner of the Northwest Quarter of said Section 34; thence North 02°25'47" East, along the West line of said Quarter, a distance of 2632.77 feet, to the Northwest Corner of said Quarter; thence South 86°33'45" East, departing said West line, and along the North line of said Quarter, a distance of 2611.90 feet, to a point on the West line of the Kansas City Rock Island Railway right-of-way as recorded in Book 244, Page 79 in the recorder's office of Jackson County, Missouri, as now established; thence South 18°46'13" West, departing said North line, and along said West right-of-way line, a distance of 76.95 feet to a point of curvature; thence Southerly, continuing along said West right-of-way, and along a curve to the left, having a radius of 2508.01 feet, and a central angle of 28°06'45", a distance of 1230.57 feet, to a point of tangency; thence South 09°20'32" East, continuing along said West right-of-way line, a distance of 30.31 feet; thence South 86°26'21" East, continuing along said right-of-way line, a distance of 16.41 feet, thence South 09°20'32" East, continuing along said right-of-way line, a distance of 354.98 feet, to a point on the East line of said Quarter; thence South 02°29'17" West, continuing along said West right-of-way line, and along said East line, a distance of 468.48 feet, to a point on the North right-of-way line of Interstate Route 470, as now established; thence departing said West right-of-way line and said East line, and along said North right-of-way line the following courses; North 85°05'37" West, a distance of 899.87 feet; thence North 75°10'03" West, a distance of 203.04 feet; thence South 77°15'22" West, a distance of 228.92 feet, to a point on the West line of the Southeast Quarter of said Quarter; thence South 02°29'01" West, departing said North right-of-way line, and along said West line of the Southeast Quarter, a distance of 410.64 feet, to a point



on the South right-of-way line of Interstate Route 470, as now established; thence departing said West line of the Southeast Quarter, and along said South right-of-way line the following courses; North 71°05'22" West, 205.31 feet; thence North 85°05'37" West, 50.00 feet; thence South 85°33'47" West, 991.68 feet; thence South 19°44'16" West, 196.72 feet; thence South 21°11'08" West, 85.21 feet, to a point on the West line of the Southwest Quarter of said Section 34; thence North 02°27'40" East, along said West line, a distance of 265.01 feet to the Point of Beginning.

ALSO

all that part of the Kansas City Rock Island Railway right-of-way as recorded in Book 244, Page 79 in the recorder's office of Jackson County, Missouri, lying in the North Half of said Section 34, and North of the North right-of-way line of Interstate Route 470, as now established.

Owner:

McCambridge Pat R & Michael

Parcel #:

50-700-01-14-01-0-00-000

Part of the Northeast Quarter of Section Thirty-three (33), Township Forty-eight (48), Range Thirty-two (32), described as follows: Beginning 476.56 feet South and 40 feet West of the Northeast corner of said Northeast Quarter; thence West 800 feet; thence South 290 feet; thence West 430 feet to the Easterly right-of-way of View High Drive; thence Southeasterly 300 feet more or less along said right-of-way curve; thence Southeasterly 600 feet more or less along said right-of-way; thence North 19 degrees East 10 feet; thence South 70 degrees East 250 feet; thence South 77 degrees East 194.33 feet; thence North 2 degrees East 350 feet; thence North 10 degrees East 296.94 feet; thence North 25 degrees East 100.48 feet to the point of beginning.

Owner:

Greenway Holdings, LLC

Parcel #:

50-700-01-07-03-0-00-000

All that part of the East one-half of the Northeast Quarter of Section 33, Township 48, Range 32, in Kansas City, Jackson County, Missouri, described as follows: Beginning at a point in the center of Old Bannister Road, said point being 1762.11 feet South of the Northeast corner of Section 33, thence South 64.89 feet, thence North 73 degrees West 264 feet, thence South 86 degrees West 302.28 feet, thence North 599.73 feet to the center of Old Bannister Road, thence South 74 degrees 24 minutes East along the center of said road 158.48 feet, thence Southeasterly along the center of said road 229.98 feet, thence South 28 degrees 51 minutes East 467.26 feet along the center of said road to beginning, less that part taken pursuant to Report of Commissions dated October 3, 1984, as Case No. CV84-18863 filed October 30, 1984 as Document No. 1597857 in Book 11367 at page 573.

Owner:

Pete & Sherry's Land Co, LLC

Parcel #:

50-700-04-29-00-0-00-000

50-700-04-30-00-0-00-000

50-700-04-31-00-0-00-000

All that part of the North Half of the Northeast Quarter of the Southeast Quarter and all that part of the Southeast Quarter of the Northeast Quarter of Section 33, Township 48, Range 32, in Kansas City, Jackson County, Missouri, and being more particularly described as follows: Commencing at the Northeast corner of the North Half of said Quarter Quarter Section; thence South 02 degrees, 27 minutes, 41 seconds West (deed= South 02 degrees, 34 minutes, 39 seconds West), along the East line of said Quarter Quarter Section, a distance of 165.58 feet; thence North 87 degrees, 29 minutes, 01 seconds West (deed= North 89 degrees, 17 minutes, 52 seconds West), departing the East Line of said Quarter Quarter Section, a distance of 160.88 feet to a point on the Northerly Right-of-Way line of Meers Road as established by Document No. I-1104739 in Book I-2240, Page 32 and to the POINT OF BEGINNING of the tract of land to be herein described; thence the following courses along said Northerly Right-of-Way line: Westerly and Southwesterly along a curve to the left, having an initial tangent bearing of North 73 degrees, 13 minutes, 53 seconds West (deed= North 73 degrees, 18 minutes, 04 seconds West), a radius of 200.00 feet, a central angle of 64 degrees, 53 minutes, 56 seconds (deed= 64 degrees, 43 minutes, 40 seconds), an arc distance of 226.54 feet (deed= 225.94'); thence South 41 degrees, 52 minutes, 12 seconds West (deed= South 41 degrees, 58 minutes, 16 seconds West), a distance of 432.17 feet; thence Southwesterly and Westerly, along a curve to the right, tangent to the last described course, having a radius of 170.00 feet, a central angle of 51 degrees, 05 minutes, 57 seconds, an arc distance of 151.61 feet; thence South 02 degrees, 55 minutes, 28 seconds West (deed= South 03 degrees, 01 minutes, 32 seconds West), a distance of 20.84 feet; thence North 87 degrees, 04 minutes, 32 seconds West (deed= North 86 degrees, 58 minutes, 28 seconds West), a distance of 297.19 feet to a point on the East line of a tract of land conveyed by Document No. I-532889, in Book I-1236, Page 174; thence North 02 degrees, 24 minutes, 43 seconds East (deed= North 02 degrees, 30 minutes, 47 seconds East), departing the Northerly line of said Meers Road, along the East line of said tract of land, a distance of 653.89 feet to a point on the North line of said Quarter Quarter Section; thence South 87 degrees, 09 minutes, 35 seconds East (deed= South 87 degrees, 03 minutes, 31 seconds East), along the North line of said Quarter Quarter Section, continuing along said East line, a distance of 50.00 feet; thence North 02 degrees, 25 minutes, 08 seconds East (deed= North 02 degrees, 31 minutes, 12 seconds East), departing the North line of said Quarter Quarter Section, continuing along said East line, a distance of 174.76 feet to a point on the Southerly Right-of-Way line of Interstate Route No. 470 as established by Document No. I-1100228 in Book I-2232 at Page 593, said point being 200.00 feet Right of Station 279+59.1; thence the following courses along said Southerly Right-of-Way line: South 85 degrees, 05 minutes, 59 seconds East (deed= South 84 degrees, 59 minutes, 55 seconds East), a distance of 140.90 feet to a point 200.00 feet Right of Station 281+00; thence South 75 degrees, 10 minutes, 25 seconds East (deed= South 75 degrees, 04 minutes, 21 seconds East), a distance of 406.08 feet to a point 270.00 feet Right of Station 285+00; thence South 79 degrees, 46 minutes, 03 seconds East (deed= South 79 degrees, 39 minutes, 59 seconds East, a distance of 376.62 feet to a point 305.00 feet Right of Station 288+75; thence South 07 degrees, 02 minutes, 25 seconds East (deed=

South 06 degrees, 56 minutes, 21 seconds East), a distance of 17.64 feet to a point 322.26 feet Right of Station 288+78.65; thence South 18 degrees, 27 minutes, 59 seconds West (deed= South 18 degrees, 34 minutes, 03 seconds West), a distance of 159.36 feet to a point 477.17 feet Right of Station 288+41.27; thence South 20 degrees, 04 minutes, 12 seconds West (deed= South 21 degrees, 10 minutes, 05 seconds West), a distance of 34.22 feet (deed= 34.26 feet) to the point of beginning, containing 12.051 acres, more or less.

The undersigned proprietors of the above described tract of land to be subdivided in the manner shown on the accompanying plot, which subdivision and plat shall hereafter be known as

“HEARTLAND NURSERY”

An easement is hereby granted to Kansas City, Missouri, for the purpose of locating, constructing, operating, and maintaining facilities for water, gas, electricity, sewage, telephone, cable TV and surface drainage, including, but not limited to, underground pipes and conduits, pad mounted transformers, service pedestals, any or all of them upon, under and along the strips of land designated utility easement (U/E). Where other easements are designated for a particular purpose, the use thereof shall be limited to that purpose only. All the above easements shall be kept from any and all obstructions which would interfere with the construction or reconstruction and proper, safe and continuous maintenance of the aforesaid uses and specifically there shall not be built thereon or thereover any structure (except driveways, paved areas, grass, shrubs and fences) nor shall there be any obstruction to interfere with the agents and employees of Kansas City, Missouri, and its franchised utilities from going upon said easement and as much of the adjoining lands as may be reasonably necessary in exercising the rights granted by the easement. No excavation or fill shall be made or operation of any kind or nature shall be perfected which will reduce or increase the earth coverage over the utilities above stated or the appurtenances thereto without the written approval of the Director of Public Works or the Director of Water Services where applicable.

All streets and avenues outlined on this plat and not heretofore dedicated to public use are hereby so dedicated.

Building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street right-of-way line.

RIGHT OF ENTRANCE:

The right of entrance and egress in travel along any street or drive within the boundaries of the property is hereby granted to Kansas City, Missouri, for the purpose of fire and police protection, maintenance of water mains, sanitary and storm sewer lines, collection of garbage and refuse and to the United States Postal Services for the delivery of mail; provided, however, such right of ingress and egress does not include any obligation to contribute for any damage to any private street or drive by virtue of the exercise of the rights stated herein and specifically, neither Kansas City, Missouri nor the U.S. Postal Service shall incur any liability by virtue of the exercise of such rights.

RPA-2 TIF Legal Description:

A tract of land situated in the West Half of the Southwest Quarter, and in the Southwest Quarter of the Northwest Quarter all in Section 34, Township 48 North, Range 32 West, in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Owner:

Happy Valley Properties, LLC  
Happy Valley Properties, LLC  
Happy Valley Properties, LLC

Parcel No.

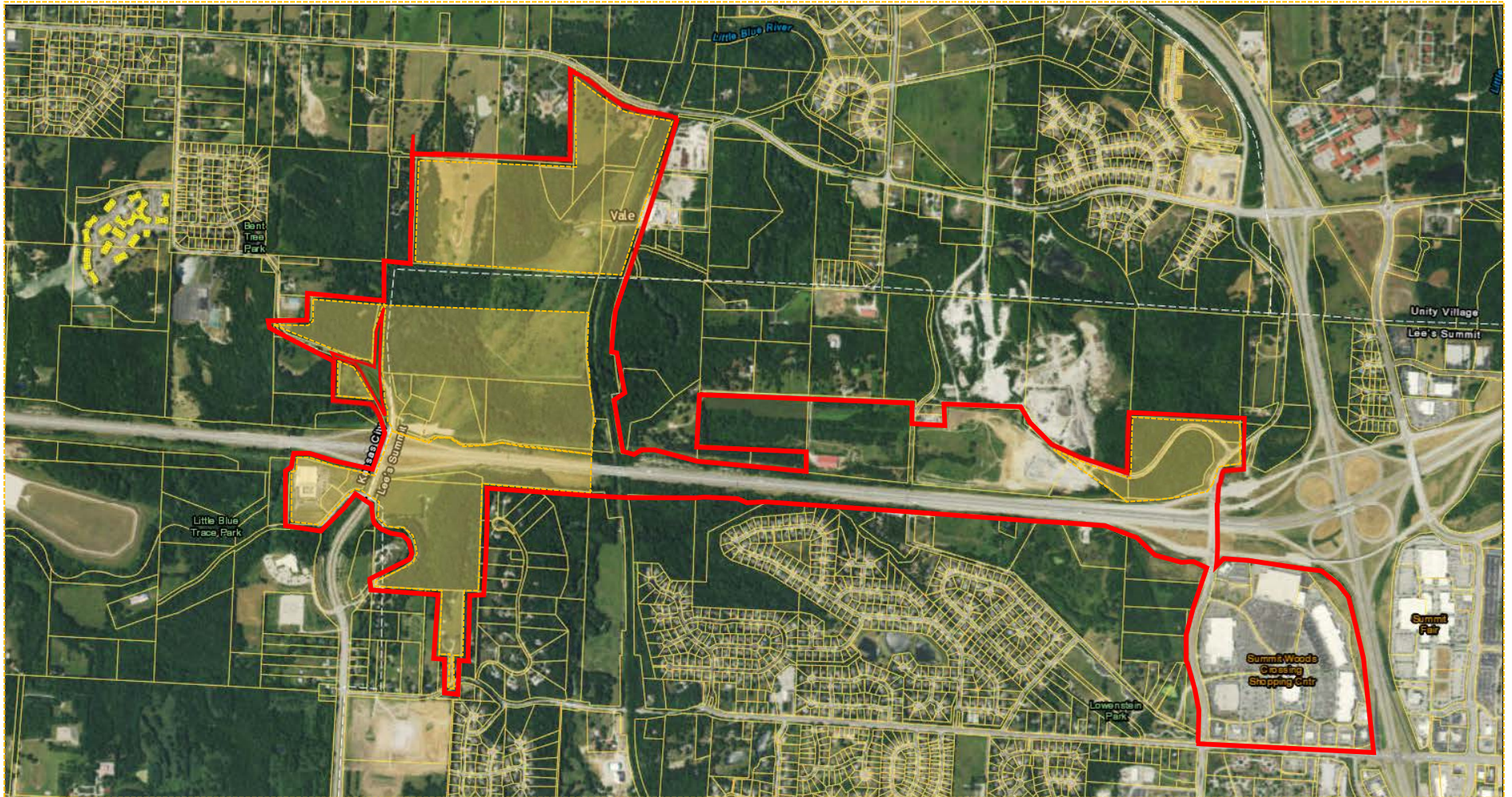
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51-900-03-02-00-0-00-000  
51-900-02-05-00-0-00-000

Commencing at the Northwest corner of the Southwest Quarter of said Section 34: thence South 02°27'40" West, along the West line of said Southwest Quarter, a distance of 265.01 feet to a point on the South right-of-way line of Interstate Route 470, as now established; thence departing said West line, and along said South right-of-way line the following courses; North 21°11'08" East, 85.21 feet; thence North 19°44'16" East, 196.72 feet; thence North 85°33'47" East, 991.68 feet; thence South 85°05'37" East, 50.00 feet; thence South 71°05'22" East, 205.31 feet, to a point on the East line of the Southwest Quarter of the Northwest Quarter of said Section 34; thence South 02°29'01" West, departing said South right-of-way line, and along said East line, a distance of 91.17 feet, to the Southeast corner of the said Quarter Quarter; thence South 02°25'07" West, along the East line of the Northwest Quarter of the Southwest Quarter, a distance of 1315.49 feet, to the Southeast corner of said Quarter Quarter; thence North 86°55'02" West, departing said East line of the Northwest Quarter of the Southwest Quarter, and along the South line of said Quarter Quarter, a distance of 190.87 feet, to the Northeast corner of Lot 2, Berkman Estates, a Subdivision in said City, County and State; thence South 02°20'24" West, departing said South line of said Quarter Quarter, and along the East line of said Lot 2, a distance of 788.05 feet, to the Southeast corner of said Lot 2, said corner also being the Northeast corner of Lot 3 of said Subdivision; thence North 87°34'12" West, departing said East line of said Lot 2, and along the North line of said Lot 3, a distance of 104.54 feet, to the Northwest corner of said Lot 3; thence South 02°28'35" West, departing said North line of Lot 3 and along the West line of said Lot 3, a distance of 345.61 feet, to the Southwest corner of said Lot 3, said corner also being on the Northerly right-of-way line of Chipman Road, as now established; thence Southwesterly, departing said West line of Lot 3, and along said Northerly right-of-way line of Chipman Road, and along a curve to the left, having a radius of 349.62 feet, a central angle of 08°02'32", and whose initial tangent bearing is South 64°38'25" West, a distance of 49.07 feet; thence South 56°47'29" West, continuing along said Northerly right-of-way line of Chipman Road, a distance of 9.51 feet, to the Southeast corner of Lot 1 in said Subdivision; thence North 02°22'36" East, departing said Northerly right-of-way line of Chipman Road, and along the East line of said Lot 1, a distance of 376.90 feet, to the Northeast corner of said Lot 1; thence North 87°31'35" West, departing said East line of Lot 1, and along the North line of said Lot 1, a distance of 115.09 feet, to the Northwest corner of said Lot 1, said point also being the Southwest corner of said Lot 2; thence North 02°22'54" East, departing said North line of Lot 1, and along the West line of said Lot 2, a distance of 791.12 feet,

to the Northwest corner of said Lot 2; thence North  $86^{\circ}55'02''$  West, departing said West line of Lot 2, and along the South line of the Northwest Quarter of the Southwest Quarter, a distance of 858.18 feet, to the Southwest corner of said Quarter Quarter; thence North  $02^{\circ}27'40''$  East, departing said South line, and along the West line of said Quarter Quarter, a distance of 30.67 feet; thence Northeasterly, departing said West line, and along a curve to the right, having a radius of 236.70 feet, a central angle of  $08^{\circ}09'33''$ , and whose initial tangent bearing is North  $54^{\circ}17'14''$  East, a distance of 33.71 feet; thence North  $62^{\circ}19'09''$  East, a distance of 456.02 feet; thence Northerly, along a curve to the left, having a radius of 180.00 feet, and a central angle of  $83^{\circ}28'00''$ , a distance of 262.22 feet; thence North  $21^{\circ}08'51''$  West, a distance of 127.10 feet; thence Northwesterly, along a curve to the left, having a radius of 170.00 feet, and a central angle of  $73^{\circ}48'00''$ , and whose initial tangent bearing is North  $21^{\circ}03'21''$  West, a distance of 218.97 feet; thence South  $85^{\circ}16'28''$  West, a distance of 47.25 feet; thence Westerly, along a curve to the right, having a radius of 210.00 feet, a central angle of  $27^{\circ}16'41''$ , and whose initial tangent bearing is South  $84^{\circ}45'20''$  West, a distance of 99.98 feet; thence South  $55^{\circ}18'29''$  West, a distance of 144.15 feet; thence North  $88^{\circ}44'22''$  West, a distance of 8.10 feet, to the West line of said Quarter Quarter; thence North  $02^{\circ}27'40''$  East, along the West line of said Quarter Quarter, a distance of 424.35 feet, to the Point of Beginning.



## Exhibit B to the TDD Petition District Boundaries





## **EXHIBIT C**

### **TRANSPORTATION PROJECT LIST**

The Transportation Project generally consists of the following improvements and activities, any of which may be completed in phases at the discretion of the District:

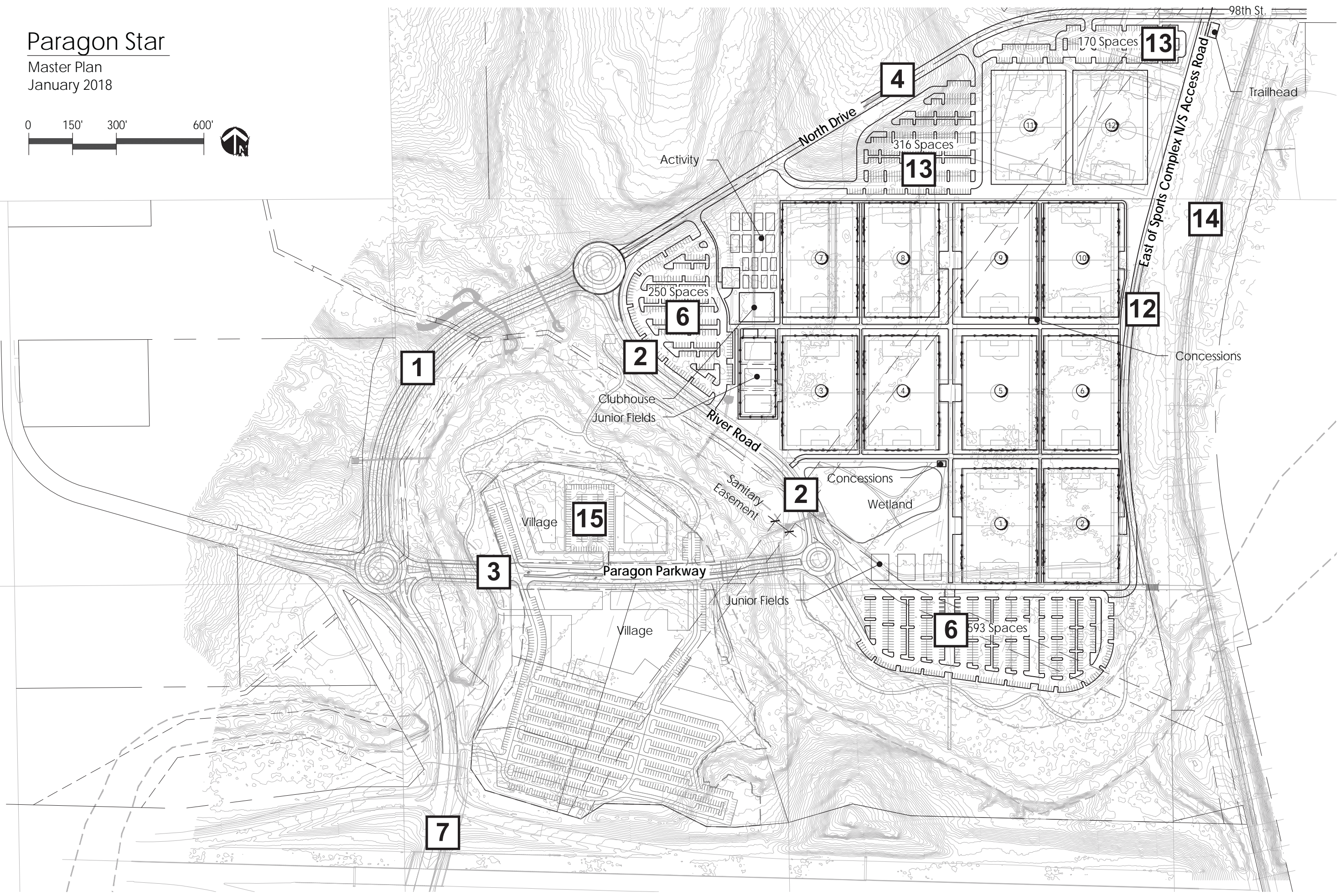
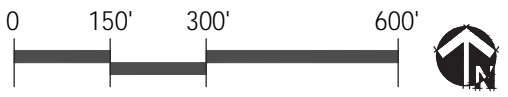
The construction, reconstruction, installation, repair, and maintenance of the following public infrastructure improvements:

- 1 The construction of that portion of View High within Lee's Summit city limits from a roundabout, north approximately 1500 LF to and including another proposed roundabout.
- 2 The construction of River Road approximately 1500 LF from a proposed roundabout, southeast to and including another roundabout at the intersection with Paragon Parkway.
- 3 The construction of Paragon Parkway approximately 1600 LF from the View High Drive roundabout, to the roundabout mentioned in #4, including the two bridges required to cross the little blue river.
- 4 The construction of a North Drive from a roundabout, traveling towards the northeast.
- 5 Mass grading of land adjacent to infrastructure improvements described above.
- 6 The construction of surface parking lots on the land adjacent to the infrastructure improvements described above.
- 7 Construction of improvements to I-470 and View High interchange.
- 8 Any earthwork, landscape, bridges, utility relocations and extensions, street lighting, wetland identification and mitigation, professional consultant costs associated with the described improvements.
- 9 Alternative Routes North to be owned and maintained by Transportation Development District
- 10 Right of Way for Alternative Routes North
- 11 Mass grading for Alternative Routes North
- 12 East of Sports Complex North/South Access Road
- 13 Parking Lots, North (2)
- 14 Shared Trail, in Rock Island railbed, approximately 1/2 mile
- 15 Parking Garage
- 16 Quarry Park Road Access from Pryor Road
- 17 Engineering Costs and other Professional Fees for improvements listed above.
- 18 Financing Costs and Interest for improvements
- 19 Contingency on new Projects listed above.



EXHIBIT C to the TDD PETITION  
APPROXIMATE LOCATION OF CERTAIN TRANSPORTATION PROJECTS

Paragon Star  
Master Plan  
January 2018



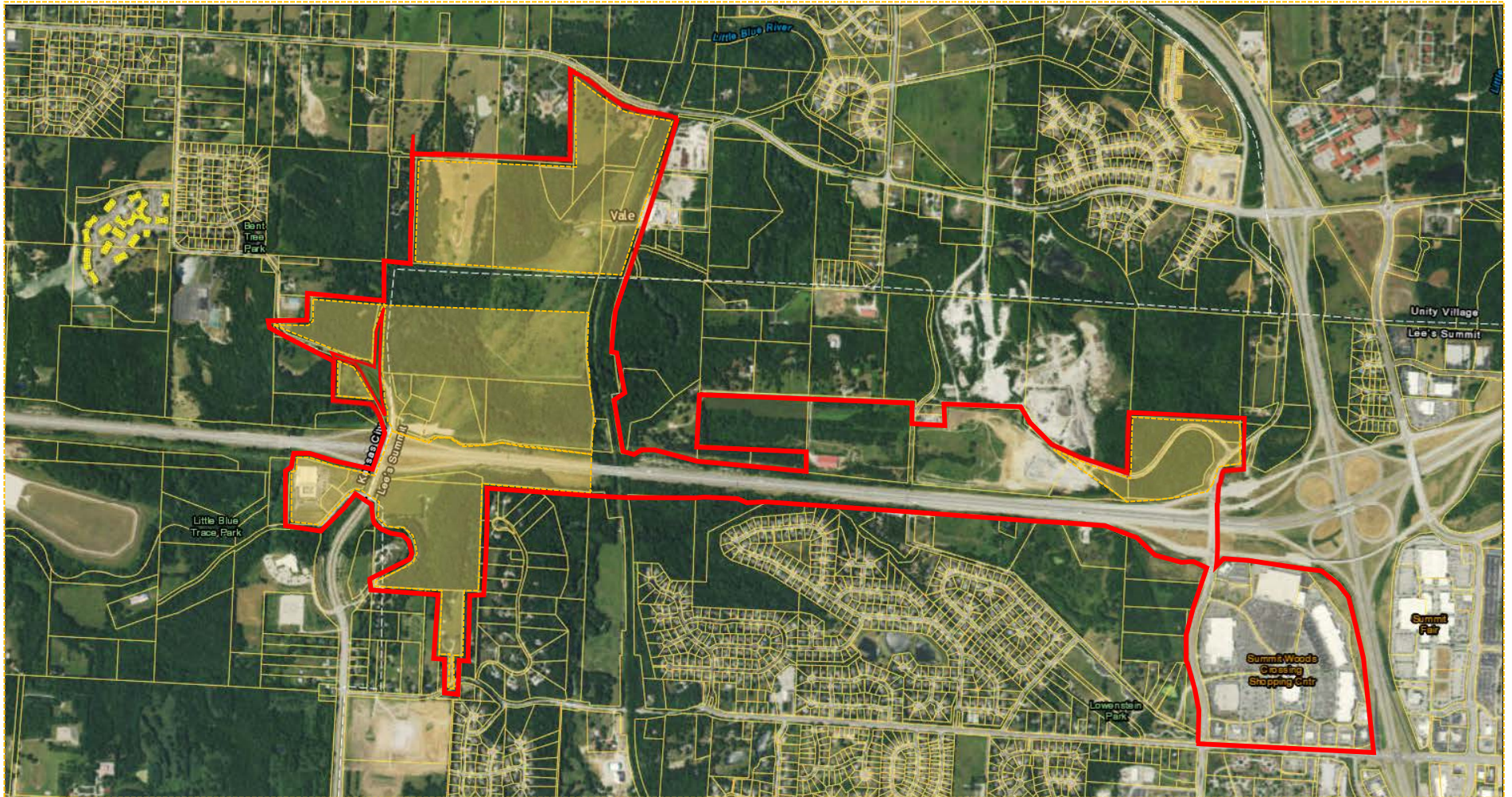


**EXHIBIT D**

**RESOLUTIONS OF CITY OF LEE'S SUMMIT AND  
I-470 & VIEW HIGH COMMUNITY IMPROVEMENT DISTRICT**

[*ATTACHED*]

## Exhibit B to the TDD Petition District Boundaries





# Paragon Star

Master Plan  
January 2018



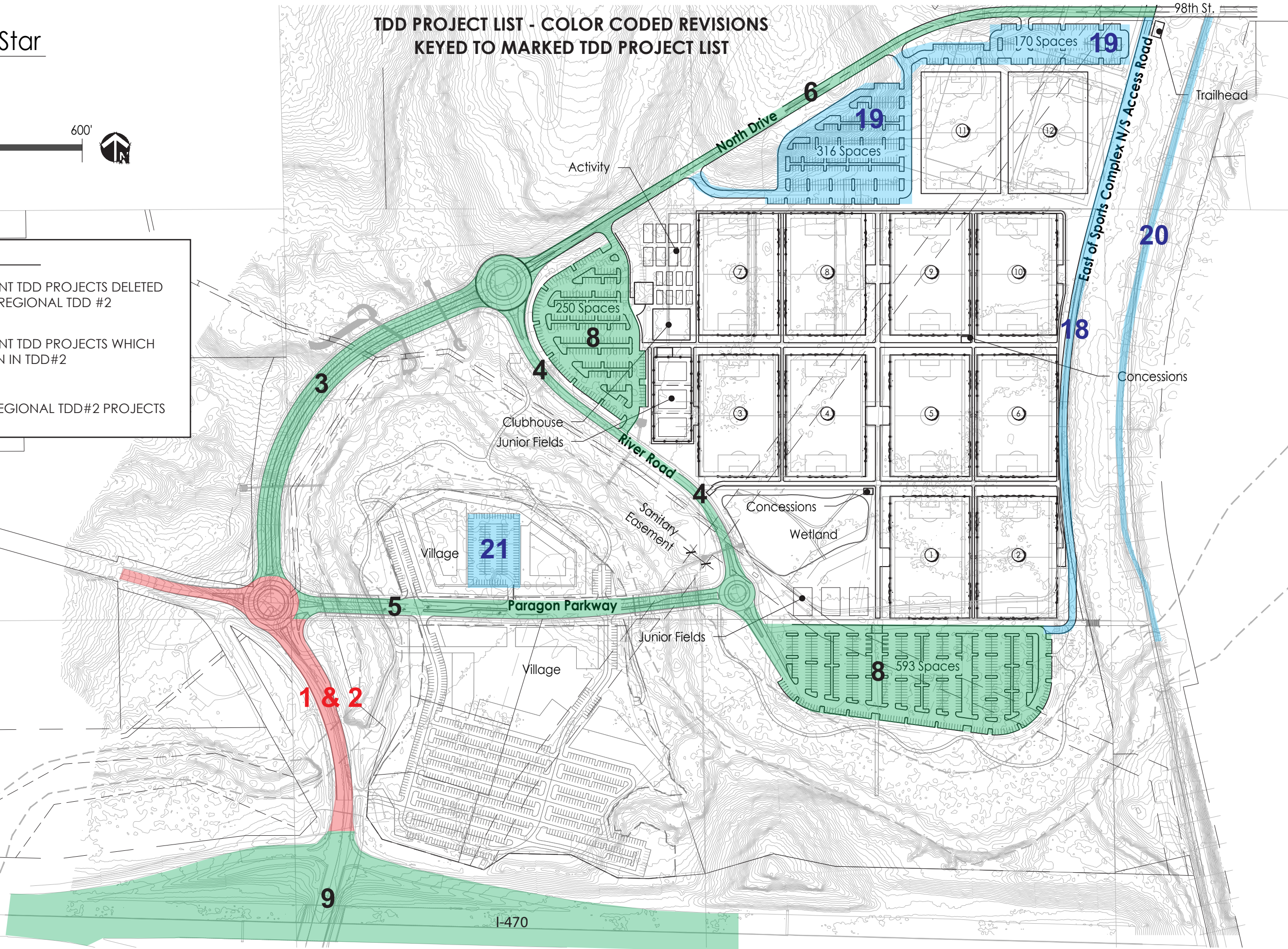
**LEGEND**

CURRENT TDD PROJECTS DELETED FROM REGIONAL TDD #2

CURRENT TDD PROJECTS WHICH REMAIN IN TDD#2

NEW REGIONAL TDD#2 PROJECTS

## TDD PROJECT LIST - COLOR CODED REVISIONS KEYED TO MARKED TDD PROJECT LIST





**TDD List of Projects - Keyed to Color Coded Map**  
**Marked Revisions to Current Regional TDD Project List**

**Current TDD List of Projects**

1	The extension of View High Drive from its current terminus of the four lane section at the Northerly Highway 470 Right of Way, north approximately 800 LF to and including a proposed Roundabout.
2	The connection of View High Drive from the Roundabout mentioned in #1, west, to existing View High Drive, approximately 400 LF.
3	The construction of <del>that portion</del> of View High Parkway within Lee's Summit city limits from a roundabout <del>mentioned in #1</del> , north approximately 1500 LF to and including <del>another</del> proposed roundabout.
4	The construction of River Road approximately 1500 LF from a <del>proposed</del> roundabout <del>mentioned in #3</del> , southeast to and including <del>another roundabout at the intersection with Paragon Parkway. due east of the roundabout mentioned in #1.</del>
5	The construction of <del>View High Boulevard</del> Paragon Parkway approximately 1600 LF from the <del>View High Drive</del> roundabout <del>mentioned in #1</del> , to the roundabout mentioned in #4, including the two bridges required to cross the little blue river.
6	The construction of a North Drive <del>98<sup>th</sup> Street for a length of approximately 800 LF</del> from a roundabout <del>mentioned in #3</del> , traveling towards the northeast <del>to the City limit</del> .
7	Mass grading of land adjacent to infrastructure improvements described above <del>in items #1 through #6</del> .
8	The construction of surface parking lots on the land adjacent to the infrastructure improvements described above <del>in items #1 through #6</del> .
9	Construction of improvements to I-470 and View High interchange.
10	Any earthwork, landscape, bridges, utility relocations and extensions, street lighting, wetland identification and mitigation, professional consultant costs associated with the <del>described improvements stated items #1 through #10</del> .
11	<del>I-470 and 350 Highway Transportation Improvements (not included in professional fees or contingency calculations below)</del>
12	Engineering Costs and other Professional Fees for improvements listed above.
13	Financing Costs and Interest for improvements listed above
14	Contingency on current projects listed above.

**New Projects to be added to TDD List of Projects**

15	Alternative Routes North to be owned and maintained by Transportation Development District
16	Right of Way for Alternative Routes North
17	Mass grading for Alternative Routes North
18	East of Sports Complex North/South Access Road
19	Parking Lots, North (2)
20	Shared Trail, in Rock Island railbed, approximately 1/2 mile
21	Parking Garage
22	Quarry Park Road Access from Pryor Road
23	Engineering Costs and other Professional Fees for improvements listed above.
24	Financing Costs and Interest for improvements
25	Contingency on new Projects listed above.

<b>Regional TDD #2</b>			
Property Owners List			
	<u>Total Acres</u>		
<b>Regaional TDD #1</b>			
Short Properties	88.39		
City Property	32.82		
RED Property	57.2		
Block Property	5.48		
Other Owners	23.9		
		207.79	
<b>NW Cornerof I-470 &amp; Pryor</b>			
Jacomo Trucking Inc	9.27		
Jacomo Trucking Inc	0.49		
Jacomo Trucking Inc	12.17		
Jacomo Trucking Inc	2.24		
Subtotal New Acres		24.17	
<b>Land Area North of RPA #1 (annexation not including ROW)</b>			
The Family Ranch	33.23		
Lee's Summit I, LLC	4.17		
RBTL Industries (U/C)	11.34		
RBTL Industries (U/C)	9.14		
The Family Ranch	3.84		
The Family Ranch	1.05		
Short Family Properties	33.23		
Subtotal New Acres		96.00	
<b>Village &amp; Sports Complex (RPA #1)</b>			
Jackson County, MO	2.25		
Happy Valley Properties, LLC	9.29		
Happy Valley Properties, LLC	1.68		
Happy Valley Properties, LLC	1.86		
Happy Valley Properties, LLC	2.49		
Jackson County, MO	1.52		
City of Lees Summit, MO	78.67		
Jackson County, MO	23.44		
City of Lees Summit, MO	2.04		
Subtotal New Acres		123.24	
<b>Other Property Owners North &amp; South of I-470 and Chipman Road</b>			
McCambridge, Pat F & Michael	13.75		
Greenway Holdings, LLC	3.09		
Pete & Sherry's Land Co. LLC	9.26		
Pete & Sherry's Land Co. LLC	1.42		
Pete & Sherry's Land Co. LLC	1.23		
Subtotal New Acres		28.75	
<b>Land Area South of I-470 to Village at View High (RPA #2)</b>			
Happy Valley Properties, LLC	2.13		
Happy Valley Properties, LLC	32.7		
Happy Valley Properties, LLC	5.32		
Subtotal New Acres		40.15	
<b>Total Regional TDD #2</b>	<b>520.1</b>		



# PARAGON STAR

Lee's Summit City Council

04 January 2018



Regional Destination

Mixed-Use Development

Best in Class

Projected 210-Acre,  
\$400 Million Multi-  
Phased Mixed Use  
Development

Sports &  
Recreation  
Complex/Village-  
Entertainment  
District

New Regional  
Infrastructure to  
Support Development  
in Lee's Summit's  
Western Gateway



# Sports & Recreation Complex

- 10 FIFA Regulation Fields & 6 Junior Fields – Artificial Turf & Lighted
- Clubhouse & Cantina w/ viewing decks overlooking championship field
- Major Trailhead to serve the Little Blue Trace and Rock Island Corridor Trails
- Field House
- Bocce, Pickleball & Sand Volleyball Courts
- Ziplines & Rope Course
- Ferris Wheel



# Entertainment District/Village

- Multi-Family Housing, Lodging, Office, Dining & Entertainment Venues:
  - ◆ Restaurant = 60,000 sq.ft.
  - ◆ Entertainment = 15,000 sq.ft.
  - ◆ Mercantile = 15,000 sq.ft.
  - ◆ Hotel 1 = 134 rooms
  - ◆ Hotel 2 = 98 rooms
  - ◆ Class A Office Space = 95,000 sq. ft.
  - ◆ Luxury Multi-family Units = 380
- Outdoor Public Space w/ sports viewing & live music
- Combination of first-to-market establishments & local favorites







FINKLE + WILLIAMS  
ARCHITECTURE





FINKLE + WILLIAMS  
ARCHITECTURE





FINKLE + WILLIAMS  
ARCHITECTURE





FINKLE + WILLIAMS  
ARCHITECTURE



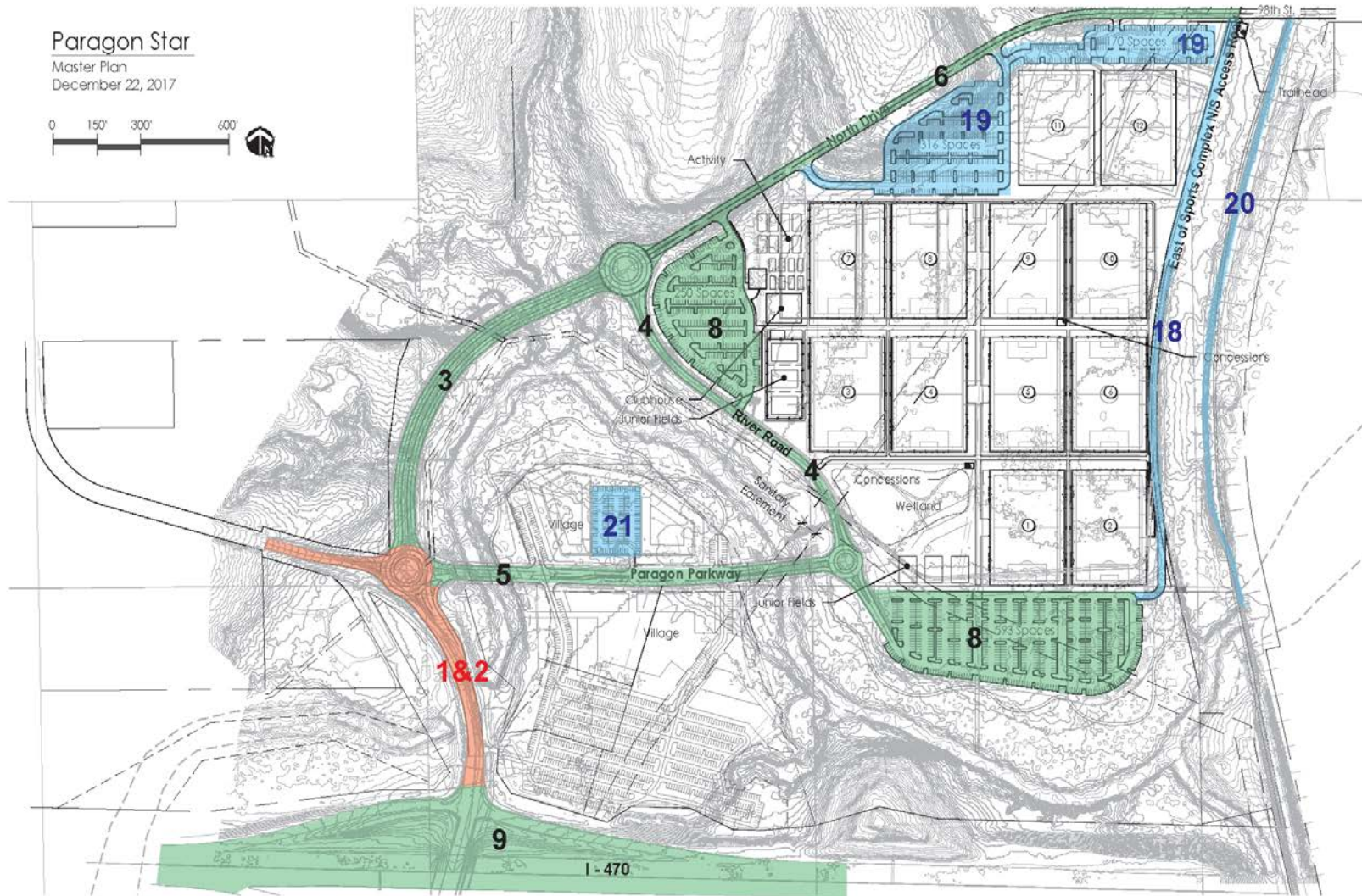
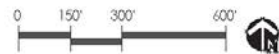






# Paragon Star

Master Plan  
December 22, 2017



# Estimated Project Budget

REDEVELOPMENT PROJECT COSTS	Redevelopment Project Costs	Regional TDD	Community Improvement District	Tax Increment Financing Plan RPA#1	View High GO Bond	State of Missouri Project Funding	Jackson County, Missouri	Developer Equity or Private Financing
<b>TOTAL PROJECT COSTS</b>	<b>\$246,660,574</b>	<b>\$37,894,876</b>	<b>\$5,424,721</b>	<b>\$29,811,101</b>	<b>\$1,000,000</b>	<b>\$21,085,840</b>	<b>\$0</b>	<b>\$146,451,518</b>
Total Project Costs (Rounded)	\$247,000,000	\$38,000,000	\$5,000,000	\$30,000,000	\$1,000,000	\$21,000,000		\$146,000,000
Percentage of Contribution to Project Costs		15.38%	2.02%	12.15%	0.40%	8.50%	0.00%	59.11%
Approved TIF Plan 2-17-16	212,000,000	21,904,000	1,038,000	13,141,000	1,000,000	20,000,000		151,000,000
		10.33%	1.90%	6.20%	0.47%	9.43%		71.23%

REDEVELOPMENT PROJECT COSTS	Redevelopment Project Costs	Regional TDD	Community Improvement District	Tax Increment Financing Plan RPA#1	View High GO Bond	State of Missouri Project Funding	Jackson County, Missouri	Developer Equity or Private Financing
<b>1. Real Property Costs</b>								
Private Real Property	2,000,000							2,000,000
Property of City of Lee's Summit	1,006,494			417,536				\$588,958
Property of Jackson County, Missouri								
Alternative North Route ROW	2,965,500	2,500,000		465,500				
Other Land Costs	-	-						
Wetlands Mitigation	1,200,000			1,200,000				
Rock Island Railroad Trail (2 miles)	2,000,000					2,000,000		
Capital Replacement Fund for Fields	3,000,000					3,000,000		
Trailhead Parking Deck	2,000,000					2,000,000		
Trolley Cars	1,000,000					1,000,000		
<b>Total Real Property Costs</b>	<b>15,171,994</b>	<b>2,500,000</b>	-	<b>2,083,036</b>	-	<b>8,000,000</b>	-	<b>2,588,958</b>

REDEVELOPMENT PROJECT COSTS	Redevelopment Project Costs	Regional TDD	Community Improvement District	Tax Increment Financing Plan RPA#1	View High GO Bond	State of Missouri Project Funding	Jackson County, Missouri	Developer Equity or Private Financing
<b>2. Sports Complex, Roads, Utility, Water, Sewer &amp; Infrastructure Improvements - 1 of 2</b>								
Sports Complex	14,101,833		3,326,802	10,775,031				
Sports Complex Technology	4,000,000					4,500,000		
Clearing & Grubbing	325,000	292,500	5,363	27,137				
Cut	1,387,000	1,249,000	22,770	115,230				
Fill, including fill for flood plan	2,305,000	1,305,000	165,000	835,000				
Landscape	500,000	450,000	8,250	41,750				
Bridge #1 (140x68)	1,428,000	1,428,000						
Bridge #2 (140x68)	1,428,000	1,428,000						
Sanitary Sewer within right of way	415,000	207,500	34,238	173,262				
Storm Sewer within right of way	582,000	465,600	19,206	97,194				
Water Main within right of way	660,000	528,000	21,780	110,220				
Seeding	232,000	185,600	7,656	38,744				
Road #1	291,000	-		291,000				
Road #2	770,000	-		770,000				
Road #3	792,000	792,000						
Road #4	486,000	486,000						
Roundabout	1,500,000	1,500,000						
Parking #1	1,727,000	1,727,000						
Parking #2	493,000	493,000						

REDEVELOPMENT PROJECT COSTS	Redevelopment Project Costs	Regional TDD	Community Improvement District	Tax Increment Financing Plan RPA#1	View High GO Bond	State of Missouri Project Funding	Jackson County, Missouri	Developer Equity or Private Financing
<b>2. Sports Complex, Roads, Utility, Water, Sewer &amp; Infrastructure Improvements - 2 of 2</b>								
Erosion Control (4%)	542,000	433,600	17,886	90,514				
Primary Electrical Duct Bank within right of way	625,000	562,500	10,313	52,157				
Improvements to Existing Interchange	6,000,000	5,000,000			1,000,000			
View High North of DDI	800,000					800,000		
Lee's Summit Waterline Extension	1,300,000			1,300,000				
North Village Infrastructure	694,000			694,000				
South Village Infrastructure	2,205,000			2,205,000				
Walking Trails (Little Blue Trace)	1,167,216					1,167,216		
Shared Trail	506,000	506,000						
View High Extension	-							
Alternative North Route / North South Access Road	3,000,000	3,000,000						
Additional Transportation Design for DDI	775,000	775,000						
Storm Water Pipe (Village)	1,000,000			1,000,000				
Parking Garage (Village)	8,000,000	4,000,000						4,000,000
<b>Subtotal Road, Utility, Infra,</b>	<b>60,037,049</b>	<b>26,814,300</b>	<b>3,639,264</b>	<b>18,616,239</b>	<b>1,000,000</b>	<b>6,467,216</b>	<b>-</b>	<b>-</b>
Contractor Overhead & Profit (9%)	5,403,334	2,413,287	327,534	1,675,462		582,049		-
Architecture Engineering (8%)	4,802,964	2,145,144	291,141	1,489,299		517,377		-
Contingency (15%)	9,005,557	4,022,145	545,890	2,792,436		970,082		-
<b>Total Sports Complex, Road, Utility, Infra,</b>	<b>\$79,248,905</b>	<b>\$35,394,876</b>	<b>\$4,803,828</b>	<b>\$24,573,435</b>	<b>\$1,000,000</b>	<b>\$8,536,725</b>	<b>\$0</b>	<b>\$0</b>



REDEVELOPMENT PROJECT COSTS	Redevelopment Project Costs	Regional TDD	Community Improvement District	Tax Increment Financing Plan RPA#1	View High GO Bond	State of Missouri Project Funding	Jackson County, Missouri	Developer Equity or Private Financing
3. Building Costs								
Hotel	18,078,000							18,078,000
Retail (non-restaurant / bar)	4,900,000							4,900,000
Garage (300 stalls)	4,500,000							4,500,000
Retail (restaurant / bar)	6,000,000							6,000,000
Entertainment Center	23,580,000							23,580,000
Office	27,000,000							27,000,000
Residential	50,000,000							50,000,000
Clubhouse / Restaurant	8,090,560							8,090,560
Subtotal Building Costs	142,148,560	-	-	-	-	-	-	142,148,560
Contractor Overhead & Profit (9%)	included							
Architecture Engineering (7%)	included							
Contingency (15%)	included							
Total Building Costs	\$142,148,560	-	-	-	-	-	-	\$142,148,560

REDEVELOPMENT PROJECT COSTS	Redevelopment Project Costs	Regional TDD	Community Improvement District	Tax Increment Financing Plan RPA#1	View High GO Bond	State of Missouri Project Funding	Jackson County, Missouri	Developer Equity or Private Financing
<b>4. Soft Costs</b>								
Infrastructure	124,000		20,460	103,540				
Traffic Study	28,000		4,620	23,380				
Excise Tax	700,000							700,000
Environmental Impact Statement Wetlands	150,000		24,750	125,250				
Site Survey	25,000		4,125	20,875				
Other Studies (including not limited to RERC, HVS, hotel, Integra))	310,000		51,150	258,850				
Legal Fees - Development	350,000		57,750	292,250				
Legal Fees - Development	200,000		33,000	167,000				
Legal Fees - Transaction	850,000		24,750	125,250				650,000
Other Professional Consultants, predevelopment, including City consultants, plan implementation	450,000		74,250	375,750				
Other Professional Consultants, predevelopment, including City consultants, plan implementation	200,000		33,000	167,000				
Developer Fee	1,500,000		247,500	1,252,500				
Title Costs, closing costs, Taxes, Insurance & Misc.	200,000		33,000	167,000				
Construction Management & Design / Engineering Contingency	4,549,115					\$4,549,115		
Construction Interest and Financing Costs	455,000		12,538	75,985				364,000
<b>Total Soft Costs</b>	<b>\$10,091,115</b>	<b>\$0</b>	<b>\$620,893</b>	<b>\$3,154,630</b>	<b>\$0</b>	<b>\$4,549,115</b>	<b>\$0</b>	<b>\$1,714,000</b>

# TIF Amendment No. 1 Project Costs & Expenditures

	<b>TIF</b>	<b>CID</b>
Purchase Price for City Land	417,536	
View High Road Segments 1 & 2	1,161,000	
Alternative Route North ROW	465,500	
Wetland Mitigation	1,200,000	
Lee's Summit Water Extension	1,300,000	
Sports Complex Increase (from State Allocation)	5,538,000	
North Village Infrastructure	694,000	
South Village Infrastructure	2,205,000	
Storm Water Pipe (Village)	1,000,000	
Legal Fees - Development	167,000	33,000
Other Professional Consultants	167,000	33,000
<b>Total Increase in reimbursement</b>	<b>14,315,036</b>	<b>66,000</b>


# Revenue Projections

## Approved TIF Plan Estimated Revenue Projections

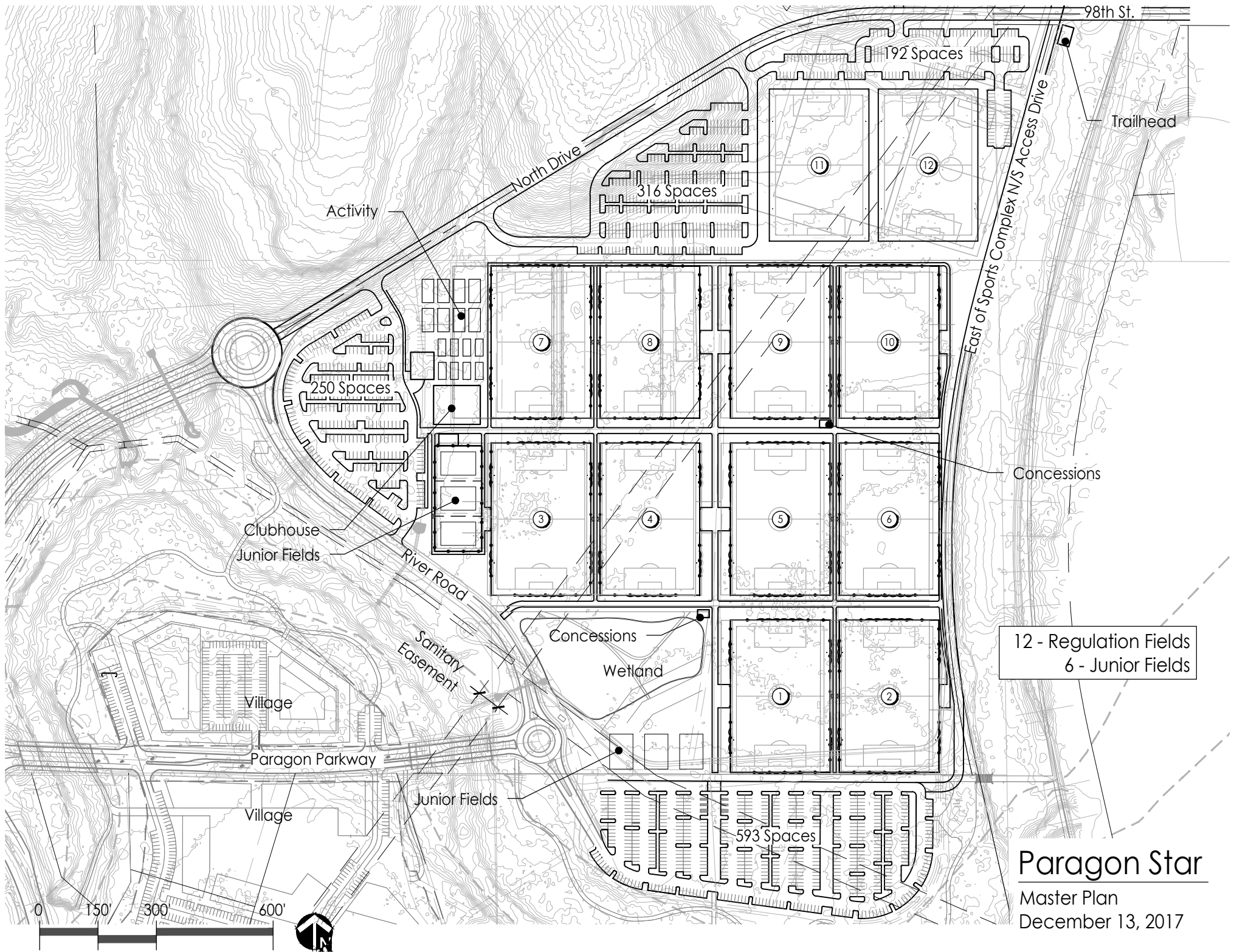
TIF-CID	NPV@6%	\$28,045,226
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## Proposed TIF Plan Amendment No. 1 Estimated Revenue Projections

TIF-CID & TDD (Captured)	NPV@6%	\$33,947,315
Other TDD 50% (Non-Capture)	NPV@6%	3,440,534
Other CID 25% (Non-Capture)	NPV@6%	1,720,268

The background of the slide is a solid teal color. It is decorated with numerous squares of varying sizes and shades of teal and dark green, scattered across the entire surface. Some squares are solid, while others are slightly blurred, creating a sense of depth and movement.

Thank You  
for your time and attention!



12 - Regulation Fields  
6 - Junior Fields

# Paragon Star

Master Plan  
December 13, 2017



## Packet Information

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**File #:** 2017-1643, **Version:** 1

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Continued PUBLIC HEARING - Application #PL2017-203 - REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN - approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy; IAC Life, applicant.

(Note: The item was to be CONTINUED from December 21, 2017 per the applicant's request.)

Issue/Request:

*This item was initially heard at the November 14, 2017, Planning Commission meeting. Following the presentation and discussion, the Planning Commission continued the public hearing with the direction that the applicant prepare and present a concept plan depicting the potential development of the subject property to support the requested rezoning. The applicant has provided a concept plan depicting a single 5,600 sq. ft. office/retail building with parking lot. While the office/retail use is consistent with both the abutting parcel to the east and the Comprehensive Plan from a general standpoint, the plan does not provide a level of detail sufficient for staff to evaluate the feasibility of said plan. Even at a conceptual development plan level, the UDO requires that certain information be provided to reasonably demonstrate that existing or future site conditions can support proposed development. Based on the information provided at this time, staff cannot support the requested rezoning.*

The applicant requests to rezone approximately 4.3 acres from AG (Agricultural) to CP-2 (Planned Community Commercial) with no plans at this time to develop the subject property. According to the applicant, consideration will be given to place the property into a conservation area should the applicant choose not to pursue the future development of the property. The applicant owns the abutting 14.5-acre site at 1850 NE US 40 Hwy that is zoned CP-2 and is developed with a two-story office building.

A preliminary development plan application accompanies the rezoning application in accordance with the requirements of the UDO. However, the site plan simply reflects the current undeveloped state of the subject 4.3-acre AG-zoned property and the existing office development on the abutting 14.5-acre parcel; the plan does not include any concept for the future development of any of the property.

It is not the City's practice to rezone property for a commercial purpose without an associated plan for the actual development of said property. Staff does not support the requested rezoning.

Recommendation: Staff recommends **DENIAL** of the rezoning and preliminary development plan.

Committee Recommendation: On motion of Mr. Funk and seconded by Mr. Sims, the Planning Commission voted unanimously by voice vote on December 12, 2017, to recommend **DENIAL** of **Appl. #PL2017-203 - REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN - 1850 NE US 40 Hwy; IAC Life, applicant, subject to staff's letter dated December 8, 2017.**

# LEE'S SUMMIT PLANNING COMMISSION ACTION LETTER

Tuesday, December 12, 2017

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## OPENING ROLL CALL:

Mr. Jason Norbury, Chair	Present	Mr. Jeff Sims	Present
Ms. Colene Roberts	Present	Mr. Herman Watson	Absent
Mr. Beto Lopez	Present	Ms. Dana Arth	Present
Mr. Donnie Funk, Vice Chair	Present	Ms. Carla Dial	Present
Mr. Don Gustafson	Present		

Also present were: Victoria Nelson, Long Range Planner; Jennifer Thompson, Planner; Chris Hughey, Project Manager; Kent Monter, Development Engineering Manager; Nancy Yendes, Chief Council of Infrastructure; Hector Soto, Manager Current Planning; Kim Brennan, Development Services; and Jim Eden, Assistant Fire Chief.

## 1. APPROVAL OF AMENDED AGENDA:

**PLANNING COMMISSION ACTION:** On motion of Mr. Funk and seconded by Mr. Lopez the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as amended.

**PUBLIC COMMENTS** - None

## CONSENT AGENDA

- A. **Appl. #PL2017-238 – FINAL PLAT** – Siena at Longview, 4th Plat, Lots 216A-218A, 224A & 320-328; Engineering Solutions, LLC, applicant
- B. **Minutes** of the November 28, 2017, Planning Commission meeting

**PLANNING COMMISSION ACTION:** On motion of Mr. Funk and seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the Consent Agenda as published.

## PUBLIC HEARINGS:

- 2. **Appl. #PL2017-223 – SPECIAL USE PERMIT to allow the keeping of therapy animals in the R-1 district** – approximately 11 total acres inclusive of the properties addressed as 6 NW O'Brien Rd, 100 NW O'Brien Rd, 413 NW Donovan Rd and 415 NW Donovan Rd; Mark Farhner, applicant (*continued to a date uncertain at staff's request*)

**PLANNING COMMISSION ACTION:** On motion of Ms. Roberts and seconded by Mr. Lopez, the Planning Commission voted unanimously by voice vote to **Continue Appl. #PL2017-223 – SPECIAL USE PERMIT to allow the keeping of therapy animals in the R-1 district** –

approximately 11 total acres inclusive of the properties addressed as 6 NW O'Brien Rd, 100 NW O'Brien Rd, 413 NW Donovan Rd and 415 NW Donovan Rd; Mark Farhner, applicant

3. **Remanded Appl. #PL2017-144 – PRELIMINARY DEVELOPMENT PLAN** – Kessler Ridge at New Longview, 2<sup>nd</sup> Plat, Lots 56-87 & Tracts E-G; Inspired Homes, Inc., applicant

**PLANNING COMMISSION ACTION:** On motion of Mr. Funk and seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **Recommend APPROVAL** of **Remanded Appl. #PL2017-144 – PRELIMINARY DEVELOPMENT PLAN** – Kessler Ridge at New Longview, 2<sup>nd</sup> Plat, Lots 56-87 & Tracts E-G; Inspired Homes, Inc., applicant, subject to staff's letter dated December 8, 2017.

4. **Continued Appl. #PL2017-203 - REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN** – 1850 NE US 40 Hwy; IAC Life, applicant

**PLANNING COMMISSION ACTION:** On motion of Mr. Funk and seconded by Mr. Sims, the Planning Commission voted unanimously by voice vote to **Recommend DENIAL** of **Appl. #PL2017-203 – REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN** – 1850 NE US 40 Hwy; IAC Life, applicant, subject to staff's letter dated December 8, 2017.

5. **Continued Appl. #PL2017-217 – VACATION OF RIGHT-OF-WAY** - a portion of NE Todd George Rd located approximately 90 feet north of the intersection of NE Wall St and NE County Park Rd; Darla Anderson, applicant

**PLANNING COMMISSION ACTION:** On motion of Mr. Funk and seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **Recommend APPROVAL** of **Appl. #PL2017-217 – VACATION OF RIGHT-OF-WAY** - a portion of NE Todd George Rd located approximately 90 feet north of the intersection of NE Wall St and NE County Park Rd; Darla Anderson, applicant, subject to staff's letter dated December 8, 2017.

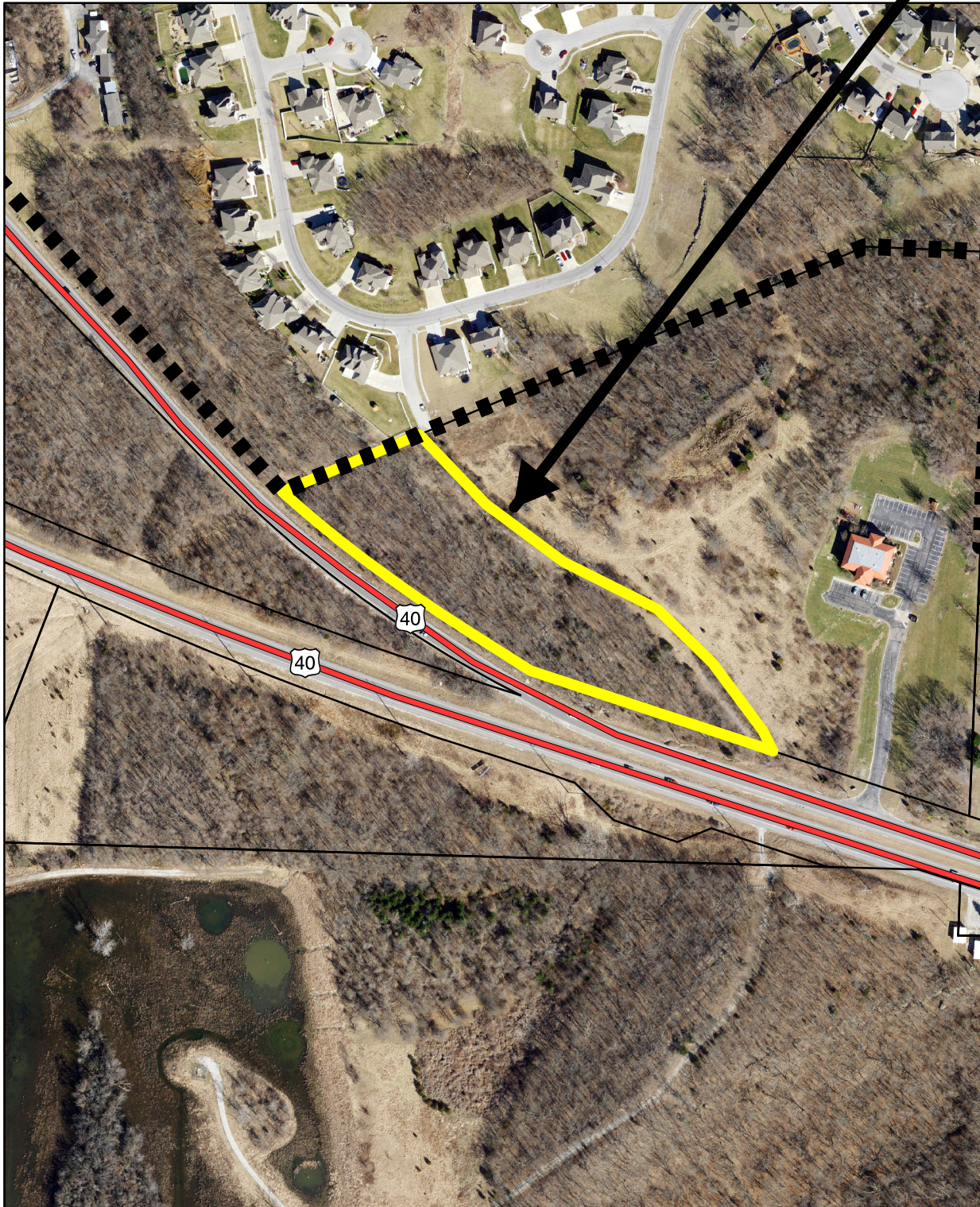
**OTHER AGENDA ITEMS-** None

**ROUNDTABLE** – None

**ADJOURNMENT** – Meeting adjourned at 6:10 p.m.



**Appl. #PL2017-203 REZ and PDP  
approximately 4.3 acres;  
IAC Life, applicant**





## LEE'S SUMMIT PLANNING COMMISSION

Minutes of Tuesday, November 14, 2017

The Tuesday, November 14, 2017, Lee's Summit Planning Commission meeting was called to order by Chairperson Norbury at 5:05 p.m., at City Council Chambers, 220 SE Green Street, Lee's Summit, Missouri.

### OPENING ROLL CALL:

Chairperson Jason Norbury	Present	Mr. Herman Watson	Absent
Mr. Donnie Funk, Vice Chair	Present	Mr. Beto Lopez	Present
Ms. Colene Roberts	Present	Ms. Carla Dial	Present
Mr. Don Gustafson	Present	Mr. Jeffrey Semmes	Present
Ms. Dana Arth	Present		

Also present were Robert McKay, Director, Planning and Special Projects; Josh Johnson, Assistant Director of Planning Services; Christina Stanton, Senior Staff Planner; Victoria Nelson, Long Range Planner; Dawn Bell, Project Manager; Michael Weisenborn, Project Manager; Chris Hughey, Project Manager; Ryan Elam, Director of Development Services; Nancy Yendes, Chief Counsel Infrastructure and Zoning; Kent Monter, Development Engineering Manager; Jim Eden, Assistant Fire Chief I, Fire Department; and Jeanne Nixon, Development Center Secretary.

### APPROVAL OF AGENDA:

Chairperson Norbury announced a change to the agenda. The applicant for Item 5, Application PL2017-196, had requested that it be continued. On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as amended.

### PUBLIC COMMENTS

There were no public comments at the meeting.

#### 1. APPROVAL OF CONSENT AGENDA

- A. **Application #PL2017-210 -- VACATION OF EASEMENT --** 2821 NE Independence Ave.; LSMOB Owner, LLC, applicant
- B. **Application #PL2017-218 -- SIGN APPLICATION --** QuikTrip, 801 SE M-291 Hwy.; QuikTrip Corporation, applicant
- C. **Application #PL2017-227 -- SIGN APPLICATION --** Capital Tax & Consulting, 608 SW 3rd St.; Capital Tax & Consulting, applicant

- D. **Application #PL2017-228 -- VACATION OF EASEMENT --** 4548 SW Raintree Shore Dr.; Wesley Fields, applicant
- E. **Application #PL2017-231 -- SIGN APPLICATION --** Dayton Hotel Historic Sign, 9 SE 3rd St.; Ben Rao, applicant
- F. **Application #PL2017-241 -- SIGN APPLICATION --** Summit Square Apartments, 785 NW Donovan Rd.; NorthPoint Development, LLC, applicant
- G. **Approval** of the minutes of the October 24, 2017 Planning Commission meeting

On the motion of Mr. Funk, seconded by Mr. Lopez, the Planning Commission voted unanimously by voice vote to **APPROVE** the Consent Agenda, Item 1A-G as published.

- |   |
|---|
| 2. <b>Application #PL2017-203 -- REZONING</b> from AG to CP-2 and <b>PRELIMINARY DEVELOPMENT PLAN --</b> approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy.; IAC Life, applicant |
|---|

Chairperson Norbury opened the hearing at 5:08 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Jim Harlan, president of IAC Life, stated that he lived in Edmund, Oklahoma. He had joined the company about five years ago; and IAC Life had owned this property for about 15 years. The total tract was 18 acres and the back 13 acres had commercial zoning; but the acres at the front were still zoned AG. The rezoning application was to have the zoning consistent for the entire tract. Concerning the preliminary development plan, Mr. Harlan acknowledged that any specific plans in terms of buildings and infrastructure would have to come back to the Planning Commission for approval. Some challenges existed with water and sewer in particular.

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

Mr. Johnson stated that the subject property was just north of 40 Highway, near the city limits. He displayed an aerial view, noting that the building adjacent on CP-2 land was a Montessori school. He confirmed that the applicants wanted the zoning to be consistent, with the 4.3 acres at the southwest side becoming Planned Community Commercial. The applicants did not have a specific proposed use yet, which was the basis for staff's recommendation to deny the rezoning. The preliminary development plan essentially showed no use for the land and staff generally avoided this kind of speculative rezoning. Mr. Johnson added that Lee's Summit did not currently provide water, sewer or road access to the property. While CP-2 would be consistent with surrounding zoning, staff could not access any impacts at present. He confirmed that staff recommended denial of the application.

Following Mr. Johnson's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then asked if the Commission had questions for the applicant or staff.

Chairperson Norbury stated to Mr. Harlan that he appreciated wanting zoning to be both consistent for the area and with the City's development pattern in general. However, when most



of this tract was zoned CP-2 this portion was intentionally left out. It would not be an easy piece of land to develop; and he did not see any purpose in doing that at present. It was not even being replatted to make it one piece. Chairperson Norbury noted the reference in the applicant's letter to donating the lot for a conservation area under the Internal Revenue code; and rezoning might raise its value for contribution. If that was the case, it was not sufficient reason for a rezoning without any plan for development. He asked what speculative plans the owners had for the property.

Mr. Harlan stated that the applicants had some discussions with staff about a preliminary design. The existing school building was originally intended as an office building so the preliminary design showed office spaces. Staff had pointed out the issues with water and sewer lines, and the company wanted the entire tract to have consistent zoning so they could put together a plan for the streets, sewers and other infrastructure. There would be no issues concerning surrounding properties since these were already zoned for commercial use. The applicants intended to bring in a specific plan over the next two or three months. Mr. Harlan added that he did not have any information as to why the entire tract did not initially have the same zoning. He acknowledged that the City might want to 'de-annex' the property, in which case they might have to try Independence or Blue Springs.

Chairperson Norbury noted that in some jurisdictions, a plan was required as a component of a rezoning application. He asked Mr. McKay if Lee's Summit not being among them had been a decision or if it was something that had happened by default. Mr. McKay answered that this had been City policy for a long time; but many jurisdictions did have that requirement. In general, the City did not agree to speculative rezoning. This application was rather unusual, with the property having some grading issues and being heavily wooded. While the applicants had said they would bring a plan back, submitting a plan was the time to do a rezoning application.

Mr. Gustafson asked about the use of the existing building. Mr. Harlan answered that the 11,000 square foot, two-story building was being occupied by a Montessori school. It had been there for awhile and was consistent with existing CP-2 zoning. The AG zoned property had no structures.

Ms. Roberts noted that if the applicants were looking for financing, a denial vote could work against them. She asked if just continuing the application would be feasible. Ms. Yendes replied that it could be continued to a date certain; but without the applicant's consent the continuances would be limited to two meetings out.

Ms. Arth asked Mr. Harlan if the plans included the option of selling the property. Mr. Harlan answered that it was not.

Mr. Funk asked Mr. Harlan if he would consider continuing the application to the meeting after next. Mr. Harlan answered that he would; however, the people he was working with did not want to spend the money to do a development plan if the land had not been rezoned. They would be more willing to help with the development of the plan if the zoning was consistent for the whole property.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:24 p.m. and asked for discussion among the

Commission members. He noted that this was the first staff recommendation of denial that the Commission had seen in some time.

Ms. Arth acknowledged that the procedure was not to change zoning without a plan. However, she also understood the applicants' situation and asked if how 'formal' a preliminary plan needed to be. It could be a conceptual plan that would give the City a look at what might be done with the property. In any event, if there was no action the property would sit unused indefinitely.

Mr. Funk generally agreed with Ms. Arth's comments. He asked if the City had any kind of kind of preliminary bargaining chip to convey the message that the rezoning could happen but the applicants needed to provide something specific.

Mr. Semmes was in favor of continuing the application in order to give the applicants time to bring in a preliminary plan; although it would not necessarily have the usual amount of detail.

Ms. Roberts observed that whatever the Commission decided, the application would go on to the City Council which would make its own decision. However, she was also in favor of a continuance. A denial by the City Council, followed by the applicant bringing back the application, would be pointless and a waste of time.

Mr. Lopez agreed with the previous Commissioners' remarks. He added that without a plan, it would be difficult for him to vote for approval at tonight's meeting.

Ms. Dial remarked that she did not know of any reason for the property to be rezoned, if the application had included a plan. However, under the circumstances for this particular property she did not see any specific reason to deny the application.

Mr. Johnson suggested giving the applicants some specifics of what the Commission wanted to see at the next meeting. This could include numbers of buildings, square footages, and proposed uses.

Chairperson Norbury observed that there was plenty of evidence that the City was likely to favor a rezoning at this location, since the surrounding uses were zoned commercial and it was consistent with the Comprehensive Plan. While the property had agricultural (AG) zoning, it was quite unlikely that crops would be grown. At this point, Lee's Summit used AG as a "holding" zoning until a specific use was authorized. He considered adjusting the rezoning at this point premature, and would vote for denial assuming the motion was not for a continuance.

Mr. Funk asked what the stated date certain would be, and Ms. Yendes said that two meetings out would be on December 12th.

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

Mr. Funk made a motion to continue Application PL2017-203 to a date certain of December 12, 2017. Ms. Roberts seconded.

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

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2017-203 to a date certain of December 12, 2017.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

3. <b>Application #PL2017-205 -- SPECIAL USE PERMIT</b> for indoor storage facility -- Oakview Storage, 1410 NE Douglas St.; Oakview Capital Partners, LLC, applicant
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Chairperson Norbury opened the hearing at 5:30 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Brad Tidwell stated that he resided in Collierville, Texas and was a partner in Oakview Capital Partners LLC, the applicant. Their business was climate-controlled self-storage facilities, and they had several in the Dallas/Ft. Worth area as well as in Kansas City. The units were multi-story buildings that were designed to look like office buildings. All units were within the buildings, with elevators and covered loading areas. For branding and management they used CubeSmart, which was one of the largest self-storage management companies in the U.S. Historically self-storage businesses located on lower-cost land and in industrial areas; however, Oakview focused on high-traffic retail locations with good visibility. The idea was storage was an amenity for any city, and should be at a clean, convenient and safe location. The proposed location on Douglas Street had enough acreage to allow for some additional commercial development. It would be an advantage to both the City and Oakview, as office/retail at the site could attract more business to the storage facility.

The applicants had met with the neighbors, which were basically the St. Luke's medical complex. They were very supportive of the project. Polyainers, the neighbor behind the property, had told the applicants they would need to look at what was planned before putting the property under contract. That contract had now been in place for several months so Mr. Tidwell assumed they approved.

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

Ms. Stanton entered Exhibit (A), list of exhibits 1-16 into the record. She displayed an aerial photo of the property, and pointed out the location of St. Luke's as well as Polyainers behind the subject property and some office-warehouse uses south of Victoria Drive. The movie theatre and other retail and restaurant businesses, with CP-2 zoning, were to the east across Douglas. Ms. Stanton also pointed out the boundary lines defining the area of the Special Use Permit, noting that the plan covered the entire parcel. The building proposed was four stories and 114,448 square feet, and function as an all-indoor storage facility. The total area was a little over 7 acres; however, the SUP would cover only 2.2 acres. On the displayed landscape plan, she pointed out the street network and the street trees lining the internal drive.

A Special Use Permit was required for mini-warehouse facilities, which were defined as *"structures containing separate storage areas of various sizes, leased or rented on an individual basis."* However, the UDO did not make a distinction between the traditional type of mini-

warehouse business and a climate-controlled indoor facility. Staff considered this use appropriate for the location considering the zoning and existing uses on that part of Douglas including Polyainers and the industrial zoning nearby. Staff supported the 25-year term the applicant had requested, as it was consistent with other mini-warehouse SUPs. The materials were also compatible with other development nearby. Staff was requesting the remove the standard requirement that the roof have a 1:3 pitch [Recommendation Item 1], to allow the flat roof shown on the plan. It would be consistent with other commercial buildings in the neighborhood. Recommendation Item 2 granted the SUP for a 25-year period. No preliminary development plan was required for this project, as no modifications to the UDO were requested.

Following Ms. Stanton's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he opened the hearing for questions for the applicant or staff.

Mr. Funk noted that the drive on one of the drawings appeared to be a one-way entry off Douglas. He asked if it was a private street, and Ms. Stanton replied that it was. It was currently owned by Polyainers.

Ms. Roberts asked if the applicants planned to develop the remaining north and east portions of the property, and Mr. Tidwell answered that they did. Ms. Roberts commented that considering the alignment of the drive, there was not much room in the southeast corner. Mr. Tidwell acknowledged that some alignments might be moved, adding that this was three-quarters to a little over 2 acres; so there was plenty of room for pad sites.

Mr. Gustafson asked if the projected future retail use would require any rezoning. Ms. Stanton answered that when a specific use was proposed, rezoning would have to be part of the application as well as a preliminary development plan. The rest of the property was currently zoned PI and that would remain until such time as an application came in for another use. Retail uses were limited in PI zoning.

Chairperson Norbury asked what was the reason for changing the roof Jan052569pitch requirement. Ms. Stanton answered that the requirement was for mini-warehouse facilities, which required an SUP. The UDO did not address climate-controlled indoor storage.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 6:45 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of Application PL2017-205, Special Use Permit for indoor storage facility: Oakview Storage, 1410 NE Douglas St.; Oakview Capital Partners, LLC, applicant; subject to staff's letter of November 10, 2017, specifically Recommendation Items 1 and 2. Mr Gustafson seconded.

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

On the motion of Mr. Funk, seconded by Mr. Gustafson, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2017-205, Special Use Permit for indoor storage facility: Oakview Storage, 1410 NE Douglas St.; Oakview

Capital Partners, LLC, applicant; subject to staff's letter of November 10, 2017, specifically Recommendation Items 1 and 2.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

<p>4. <b>Application #PL2017-216 -- SPECIAL USE PERMIT</b> for in-home massage therapy: In Good Hands Therapeutic Massage, 1508 SW 9th St.; Amy Abbott, applicant</p>
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Chairperson Norbury opened the hearing at 5:46 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Amy Abbott, the applicant and owner of Good Hands Therapeutic Massage, gave her address as 1508 SW 9th Street in Lee's Summit. She had been practicing in Kansas as a massage therapist for 14 years; and had also held a Missouri license previously. In Olathe, she had participated in getting licensing laws passed. For the past five years, she had worked out of rented space in a chiropractic office near I-435 and 95th Street. Commuting from Lee's Summit had worked for awhile, but the construction on I-470 was making this very difficult. She'd not had the opportunity to have an in-home business previously and believed that this was a good time and place to start. It would also reduce her overhead since she would not be paying office space rent, child care or transportation costs.

Her home had a completely separate basement, about 750 square feet, that was accessed behind the garage. The plan was to have the business there, so that clients would not even have to enter her house; and she had obtained a building permit for a 196 square foot room, which had passed two preliminary inspections. The final inspection would be when the drywall installation was finished. If the application was approved, she would petition the State of Missouri for approval of a massage therapy business and get her license from the City.

Following after Ms. Abbot's presentation, Chairperson Norbury asked for staff comments.

Mr. Johnson stated that the business would be in Ms. Abbot's home, at 1508 SW 9th Street. He pointed out its location on the displayed map, also pointing out Murray Road to the west.. The hours Ms. Abbot had proposed were 10:00 a.m. to 7:00 p.m. on Tuesday, Wednesday, Friday and some Saturdays; which was slightly more restrictive than the ordinance required. She planned no more than 5 appointments per day with 30 minutes between appointments; and was requesting 10 years for the SUP. Staff considered the impact on the neighborhood to be minimal; and the ordinance anticipated home occupations in residential zoning. No exterior changes were proposed to the house itself. Staff had not included a set of conditions in their report, because the ordinance conditions covered any potential impact in this case.

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

Mr. Ronald Jolane stated that he lived in Olathe, and he and his wife had been Ms. Abbot's clients for about ten years. They had seen her develop a good business and they intended to continue being clients in Lee's Summit. He stated that she was very professional and generous with the time she spent with her clients. She and her business would be an asset to Lee's Summit.

Ms. Amanda Sydes gave her address as 1502 SW 8th Terrace and stated that she was a near neighbor. She had known the Abbots for about a year and they were good neighbors.

Mr. Brian McGee gave his address as 104 N. Paire Street in Gardner Kansas and stated that he had been a client for 12 years, originally seeing Ms. Abbot about severe pain from a back injury. She had been very helpful and he was now pain-free thanks to the therapy. She'd had a major impact on his quality of life, and he also intended to remain a regular client. The community would be fortunate to have a family like the Abbots and Ms. Abbot's business.

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

Chairperson Norbury stated that for the business, Ms. Abbot would need a State license and a regular business license as well as a local massage therapy license, as well as a Special Use Permit. Ms. Abbot added that she also had to get general and professional liability insurance as well as appropriate insurance for their home. She would also need to form an LLC and have a State ID tax number; and she had already taken care of that.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:55 p.m. and asked for discussion among the Commission members.

Ms. Roberts expressed regret that this profession had been so widely maligned, to the point where clients might feel they had to defend her. With the general population aging, massage therapists might be appreciated more in the near future.

Chairperson Norbury then asked that staff and the City Council and CEDC do something to reduce the unnecessary and ridiculous number of hurdles that this kind of business had to jump through. A person who wanted to establish a massage therapy business in Lee's Summit had to pay twice the license fees and in general get over more hurdles than in any other kind of business the City allowed. It was based on nothing more or less than a social stigma placed upon professional massage therapists from decades ago that the City had simply never bothered fixed. He considered that there was no excuse for this and wanted it fixed. It was insane and offensive to impose these administrative burdens and additional expense on someone wanting to run an at-home business; and it was not likely that anyone else wanting to establish a business in their home would need to have clients drive in from Johnson County to vouch for their character. He emphasized to the people who had testified that he did appreciate their input.

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

Mr. Funk made a motion to recommend approval of Application PL2017-216, Special Use Permit for in-home massage therapy: In Good Hands Therapeutic Massage, 1508 SW 9th St.; Amy Abbott, applicant; subject to staff's letter of November 10, 2017. Mr. Lopez seconded.

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



On the motion of Mr. Funk, seconded by Mr. Lopez, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2017-216, Special Use Permit for in-home massage therapy: In Good Hands Therapeutic Massage, 1508 SW 9th St.; Amy Abbott, applicant; subject to staff's letter of November 10, 2017.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

## **OTHER AGENDA ITEMS**

<b>5. Application #PL2017-196 -- FINAL PLAT -- North Park Village, 2nd Plat, Lots 53-93 and Tract F; Engineering Solutions LLC, applicant</b>
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Chairperson Norbury opened the hearing at 6:00 p.m. and announced that the applicant had requested that Application PL2017-196 be continued to a date certain of November 28, 2017. He asked for a motion.

Mr. Funk made a motion to continue Application PL2017-196, Final Plat, North Park Village, 2nd Plat, Lots 53-93 and Tract F; Engineering Solutions LLC, applicant to a date certain of November 28, 2017. Ms. Roberts seconded.

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

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2017-196, Final Plat: North Park Village, 2nd Plat, Lots 53-93 and Tract F; Engineering Solutions LLC, applicant to a date certain of November 28, 2017.

## **ROUNDTABLE**

There were no Roundtable items at the meeting.

## **ADJOURNMENT**

There being no further business, Chairperson Norbury adjourned the meeting at 6:02 p.m.

PC 111417

# City of Lee's Summit

## Development Services Department

December 8, 2017

TO: Planning Commission

PREPARED BY: Hector Soto, Jr., Current Planning Manager

CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services

RE: **Continued PUBLIC HEARING – Application #PL2017-203 – REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN – approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy; IAC Life, applicant**

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*This item was initially heard at the November 14, 2017, Planning Commission meeting. Following the presentation and discussion, the Planning Commission continued the public hearing with the direction that the applicant prepare and present a concept plan depicting the potential development of the subject property to support the requested rezoning. The applicant has provided a concept plan depicting a single 5,600 sq. ft. office/retail building with parking lot. While the office/retail use is consistent with both the abutting parcel to the east and the Comprehensive Plan from a general standpoint, the plan does not provide a level of detail sufficient for staff to evaluate the feasibility of said plan. Even at a conceptual development plan level, the UDO requires that certain information be provided to reasonably demonstrate that existing or future site conditions can support proposed development. Based on the information provided at this time, staff cannot support the requested rezoning.*

### Commentary

The applicant requests to rezone approximately 4.3 acres from AG (Agricultural) to CP-2 (Planned Community Commercial) with no plans at this time to develop the subject property. According to the applicant, consideration will be given to place the property into a conservation area should the applicant choose not to pursue the future development of the property. The applicant owns the abutting 14.5-acre site at 1850 NE US 40 Hwy that is zoned CP-2 and is developed with a two-story office building.

A preliminary development plan application accompanies the rezoning application in accordance with the requirements of the UDO. However, the site plan simply reflects the current undeveloped state of the subject 4.3-acre AG-zoned property and the existing office development on the abutting 14.5-acre parcel; the plan does not include any concept for the future development of any of the property.

It is not the City's practice to rezone property for a commercial purpose without an associated plan for the actual development of said property. Staff does not support the requested rezoning.

### Recommendation

Staff recommends <b>DENIAL</b> of the rezoning and preliminary development plan.
--

### Zoning and Land Use Information

<b>Location:</b> approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy to the west and south
---

<b>Current Zoning:</b> AG
---------------------------

<b>Proposed Zoning:</b> CP-2
------------------------------

**Surrounding Zoning and Use:**

**North:** CP-2 (Planned Community Commercial) – office

**South (across US 40 Hwy):** PI – golf driving range

**East:** CP-2 – office

**West (located in Independence, MO):** R-6 (Single Family Residential) – single-family residential

**Site Characteristics.** The subject 4.3 acres is an undeveloped heavily wooded parcel with significant slopes throughout the property.

**Description and Character of Surrounding Area.** The subject property is located along the northernmost limits of the city on the north side of the US 40 Hwy corridor. The property is bounded on the west by single-family residential development located within the Independence city limits; a 14.5-acre office building site on the north and east; and US 40 Hwy on the south.

**Project Information**

**Current Use:** undeveloped property

**Proposed Use:** no proposed use

**Land area:** 188,415 sq. ft. parcel (4.3 acres)

**Public Notification**

**Neighborhood meeting conducted:** n/a

**Newspaper notification published:** October 27, 2017

**Radius notices mailed to properties within 185 feet:** October 23, 2017

**Process**

**Procedure:** The Planning Commission makes a recommendation to the City Council on the proposed rezoning and preliminary development plan. The City Council takes final action on the rezoning and preliminary development plan application.

**Duration of Validity:** Rezoning of a property goes into effect upon City Council final action and does not expire.

Preliminary development plan approval by the City Council shall not be valid for a period longer than twenty-four (24) months from the date of such approval, unless within such period a final development plan application is submitted. The City Council may grant one extension not exceeding twelve (12) months upon written request. In this case, there is no proposed development plan, but rather a plan that reflects the property's existing undeveloped condition.

**Unified Development Ordinance**

Applicable Section(s)	Description
4.240, 4.250	Rezoning
4.300, 4.310, 4.320	Preliminary Development Plan
5.010	Zoning Districts

**Comprehensive Plan**

Focus Areas	Goals, Objectives and Policies
n/a (due to no development plan for the subject property)	n/a

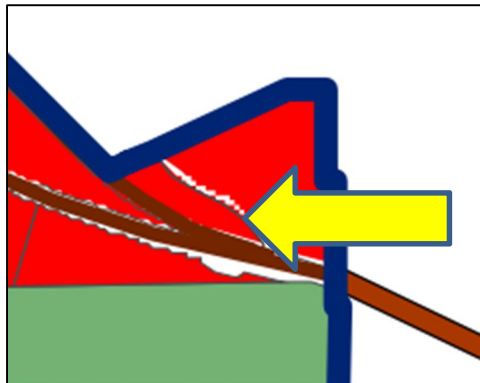
## Background

- August 4, 1992 – The City Council approved the rezoning from AG to CP-2 and preliminary site plan (Appl. #1992-070) for the abutting 14.5-acre property addressed 1850 NE US 40 Hwy by Ordinance No. 3691. The subject property was not included in the rezoning as the two properties were separated by NE Joe Thomas Rd, which was since vacated in 2006.
- July 23, 1993 – City staff approved the minor plat (Appl. #1993-208) for Tarmac Place. The minor plat was recorded with the Jackson County Recorder of Deeds on August 13, 1993, by Instrument #1993-I-1207619.
- May 18, 2006 – The City Council approved the vacation of right-of-way (Appl. #2006-019) for NE Joe Thomas Rd by Ordinance No. 6191.

## Analysis of Rezoning

**Request.** The applicant proposes to rezone an undeveloped 4.3-acre parcel from AG to CP-2 with no plans at this time to develop the subject property.

**Comprehensive Plan.** The Amended 2005 Lee's Summit Comprehensive Plan shows the subject property and adjacent area within the city limits as retail (see image below).



**Surrounding Land Uses.** The property to the west is located outside the city limits in Independence and is developed as a single-family residential subdivision. The abutting 14.5-acre parcel to the north and east is developed with a single two-story office building. To the south are undeveloped parcels and a golf driving range.

**Recommendation.** Staff recommends denial of the proposed rezoning and preliminary development plan. The applicant has no plans at this time to develop the subject property. While the proposed rezoning to CP-2 would match the existing CP-2 zoning of the abutting 14.5-acre site under the same ownership, it is not the City's practice to approve zoning on a speculative basis with no associated plan for the actual development of said property. Speculative rezoning of the property with no plan confers no benefit to the City and does not further the goals and objectives of good land use planning. Staff recommends that the property retain its existing AG zoning until such time as a plan for the development of the property is presented in conjunction with a rezoning application for proper evaluation.

**Ordinance Criteria.** The criteria enumerated in Article 5 were considered in analyzing this request.

- The proposed CP-2 zoning is consistent with existing zoning on adjacent property and the recommended land use in the Comprehensive Plan.
- The proposed rezoning is not accompanied by a plan for the development of the property and therefore neither fulfills a need in the community nor does it provide any economic impact to the community.
- Rezoning the property does not further the provision of public infrastructure to the area. The City of Lee's Summit does not provide water or sanitary sewer service to the subject property; water and sewer service is provided by the City of Independence. Road access is provided via US 40 Hwy, which is under MoDOT jurisdiction. The only public services provided to the property by the City of Lee's Summit are police and fire protection.

JJ/hsj

Attachments:

1. Rezoning Exhibit and Legal Description, date stamped October 23, 2017
2. Copy of Site Plan showing Existing Conditions, dated April 28, 1993
3. Rezoning Request Narrative from Applicant, date stamped September 21, 2017
4. Rezoning and Preliminary Development Plan Criteria
5. Location Map



# LEE'S SUMMIT MISSOURI

## DEVELOPMENT REVIEW FORM TRANSPORTATION IMPACT

DATE: December 4, 2017  
SUBMITTAL DATE: December 4, 2017  
APPLICATION #: PL2017203  
PROJECT NAME: 1850 NE US 40 HWY

CONDUCTED BY: Michael K Park, PE, PTOE  
PHONE: 816.969.1800  
EMAIL: Michael.Park@cityofls.net  
PROJECT TYPE: Prel Dev Plan (PDP)

### SURROUNDING ENVIRONMENT (Streets, Developments)

The proposed development is located at 1850 NE US 40 Highway. The surrounding area includes undeveloped property to south of US 40 Highway and single family residences the north, east and west of the subject property. The subject property is partially developed with a not-for-profit Church/Child Montessori use.

### ALLOWABLE ACCESS

The proposed development will be accessed from an existing private driveway shared with the existing land use that intersects US 40 Highway. There are no proposed changes to access along US 40 Highway. The existing driveway may or may not have adequate sight distance (this information has not been submitted by the applicant for staff review), but nonetheless remains a private matter along a state highway.

### EXISTING STREET CHARACTERISTICS (Lanes, Speed limits, Sight Distance, Medians)

US 40 Highway is a four-lane, median divided, MoDOT highway that borders the proposed development to the south. No other public streets or highways subject to impact from trips generated by the proposed development are in the immediate vicinity of the proposed development. MoDOT may or may not require improvements to US 40 Highway in support of the development application (this information has not been submitted by the applicant to MoDOT for review), but such review by MoDOT can be done prior to future development activity and would be required for MoDOT permit approval.

ACCESS MANAGEMENT CODE COMPLIANCE? YES ☐ NO ☐

No new access is proposed and the adjacent roadway is owned and maintained by MoDOT.

### TRIP GENERATION

Time Period	Total	In	Out
Weekday	90	45	45
A.M. Peak Hour	11	9	2
P.M. Peak Hour	14	5	9

The trip generation tabulated above represents a proposed small office building of 5,600 sq.ft.



TRANSPORTATION IMPACT STUDY REQUIRED?

YES ☐

NO ☒

The proposed development will not likely generate more than 100 vehicle trips to the surrounding street system during any given peak hour.

LIVABLE STREETS (Resolution 10-17)

COMPLIANT ☒

EXCEPTIONS ☐

The proposed development plan includes all Livable Streets elements identified in the City's adopted Comprehensive Plan, associated Greenway Master Plan and Bicycle Transportation Plan attachments, and elements otherwise required by ordinances and standards given that no municipal roadways/streets are adjacent to or nearby the proposed development. No exceptions to the Livable Streets Policy adopted by Resolution 10-17 have been proposed.

RECOMMENDATION:

APPROVAL ☒

DENIAL ☐

N/A ☐

STIPULATIONS ☐

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

Staff recommends approval of the proposed preliminary development plan.

**LOT 1 TARMAC PLACE**  
**ZONED C-1**  
**ORD. No. 3691**

**BOUNDARY MEASUREMENTS:**

- N67°06'33"E 885.86' (PLAT & MEASURED)
- S87°32'35"E 295.86'
- 235.86'
- 23.08' N67°06'33"E
- N67°27'09"E 274.96'
- 80.62' N43°47'24"W
- R=975' L=320.96'
- N51°45'28"W 8.40'
- R=1670.00' L=128.77'
- R=2824.90' L=282.68'
- N57°29'28"W 142.54'
- 503.58' N71°40'41"W
- 83.21' S62°37'17"E
- R=325' L=90.98'
- 56.32' S46°34'57"E
- R=325' L=50.46'
- 110.56' S37°41'15"E
- R=325' L=55.86'
- 57.31' S27°50'24"E
- 407.59' N71°40'41"W
- 62.38'
- S60°37'15"W 1036.67' (MEAS.)
- S62°27'25"W 1038.20' (PLAT)

**AREA 188415.02 SQFT**

**40 HIGHWAY**

**North Arrow**

**Scale Bar**

All that part of Lot 1, TARMAC Place, Lees Summit, Jackson County, Missouri, beginning at the most westerly corner of Lot 1 Tarmac place; thence North 67 degrees 27 minutes 9 seconds East a distance of 274.96 feet; thence North 67 degrees 6 minutes 33 seconds East a distance of 23.08 feet; thence South 43 degrees 47 minutes 24 seconds East a distance of 80.62 feet; thence along a curve to the left with a radius of 975 feet and a length of 320.46 feet; thence South 62 degrees 37 minutes 17 seconds East a distance of 83.21 feet; thence along a curve to the right with an initial tangent bearing of South 62 degrees 32 minutes 1 second East, a radius of 325 feet and a length of 90.98 feet; thence South 46 degrees 34 minutes 57 seconds East a distance of 56.32 feet; thence along a curve to the right with a radius of 325 feet and a length of 50.46 feet; thence South 37 degrees 41 minutes 15 seconds East a distance of 110.56 feet; thence along a curve to the right with a radius of 325.00 feet and a length of 55.86 feet; thence South 27 degrees 50 minutes 24 seconds East a distance of 57.31 feet; thence North 71 degrees 40 minutes 41 seconds West a distance of 503.57 feet; thence North 57 degrees 29 minutes 28 seconds West a distance of 142.54 feet; thence along a curve to the right having a radius of 2824.90 feet and a length of 282.68 feet; thence North 51 degrees 45 minutes 28 seconds East a distance of 8.4 feet; thence along a curve to the right with a radius of 1870.00 feet and a length of 128.77 feet to the point of beginning. Containing; 188,415.02 feet.



CONSTRUCTION ENGINEERING SERVICES, INC.

16810-C East 40 Highway  
Independence, MO 64055  
(816)478-2323

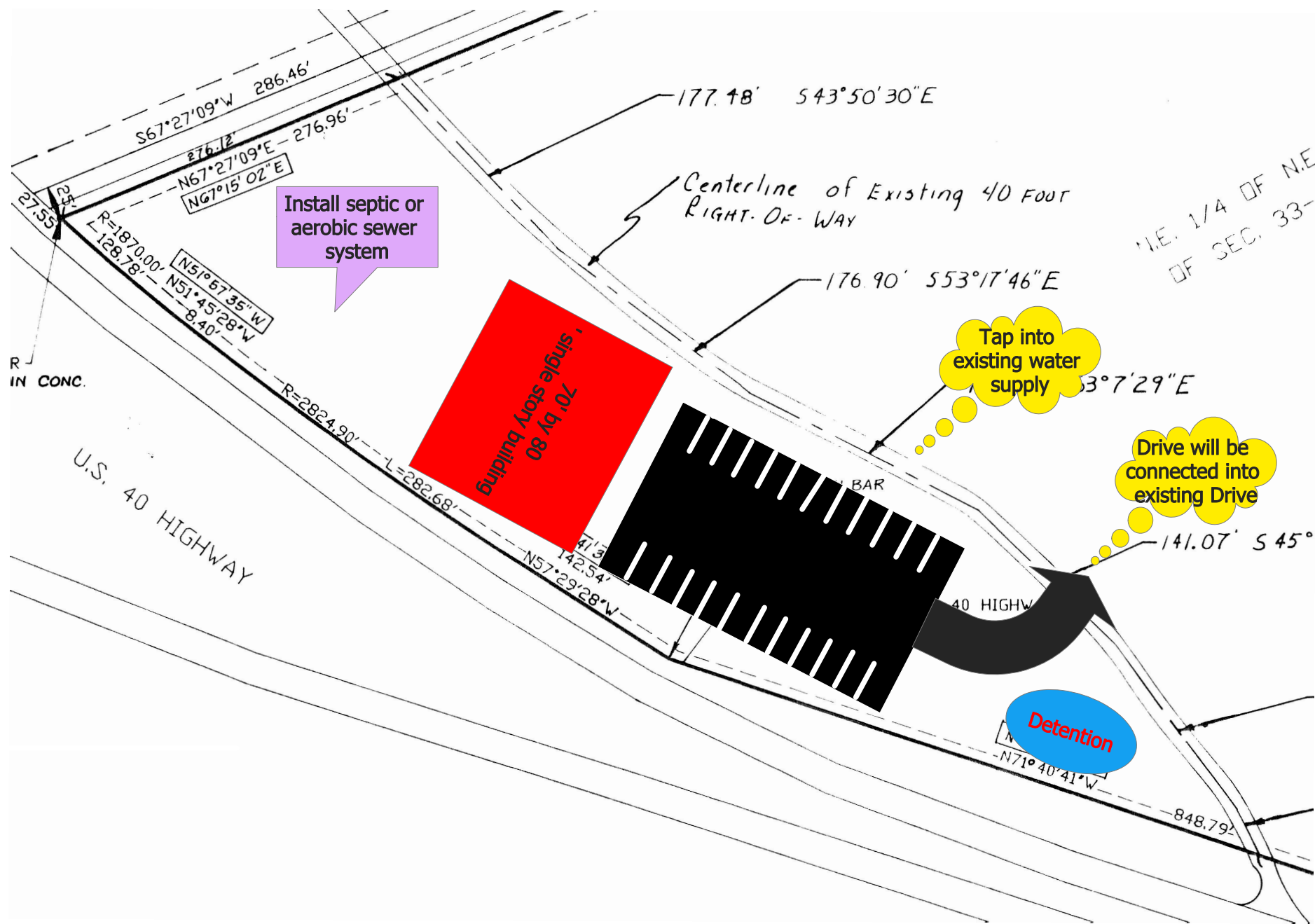
lee@engineeringkc.com

SCALE: 1"=60'

DATE: 9/6/2017

JOB NO:TARMAC

LEE BODENHEIMER, P.E., L.S.  
Professional Engineer - Land Surveyor



SEP 21 2017

Development Services

Existing building.

### TRASH ENCLOSURE DETAILS

## FLUME DETAIL

## LOCATION PLAN

**PAVEMENT SECTION 'A'**

### PAVEMENT SECTION 'B'

**CURB/SIDEWALK  
DETAIL**

**CONCRETE CURB & GUTTER DETAIL**

### HANDICAPPED RAMP DETAIL

## SITE PLAN

RECEIVED  
JUN 01 1993  
ENGINEERING DEPT

\* as noted  
APPROVED BY: *Phil D. Dim*  
DATE: 5/12/93 (previously)  
CITY OF LEE'S SUMMIT  
ENGINEERING DEPARTMENT  
\* refers to 5/12/93 letter

DATE OCT. 5, 1992 REVISED APRIL 19, 1993

**LE**  
**BOZICH ARCHITECTS**

A NEW OFFICE BUILDING FOR:  
**TARMAC EQUIPMENT COMPANY**

SHIRE

OF 12



930 E. 2<sup>nd</sup>  
Edmond, OK 73034

Lee's Summit "Planning Commission & City Council"

Re: Tar Mac Place 1850 NE US HWY

Dear Sir,

IAC Life would like to re-zone the approximately 4 acres of land (parcel # 34-700-01-13) from AG to CP2. This parcel was not re-zoned with the remainder of the land in 1992. After successful re-zoning, should IAC Life choose not to proceed with the development of this parcel, consideration would be given to placing this approximately 4 acres into a conservation area. IRC 170(h) Qualified Conservation Contribution.

Regards,

Lonnie Gilliland

A handwritten signature in blue ink, appearing to read "Lonnie Gilliland", is written over the printed name.

Contact Information:

James L Harlin, Chairman, President & CEO

[jharlin@iaclife.com](mailto:jharlin@iaclife.com)

405-285-0838 Ext 110

Lonnie Gilliland

[louiegiii@aol.com](mailto:louiegiii@aol.com)

Cell: 405-314-7891

RECEIVED

SEP 21 2017

Development Services

- 2017 - 2018 -

# REZONING CRITERIA

## **UDO Section 4.250.B.**

Criteria for considering rezoning applications. In considering any application for rezoning, the Commission and the Governing Body may give consideration to the criteria stated below, to the extent they are pertinent to the particular application. The Commission and Governing Body may also consider other factors that may be relevant to a particular application.

1. The character of the neighborhood;
2. 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;
3. The extent to which the proposed use facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
4. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations;
5. The length of time, if any, the property has remained vacant as zoned;
6. The extent to which the proposed use will negatively affect the aesthetics of the property and neighboring property;
7. The extent to which the proposed use will seriously injure the appropriate use of, or detrimentally affect, neighboring property;
8. 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;
9. The extent to which the proposed use will create excessive storm water runoff, air pollution, water pollution, noise pollution or other environmental harm;
10. The extent to which the proposed use will negatively affect the values of the property or neighboring properties;
11. The extent to which there is a need for the use in the community;
12. The economic impact of the proposed use on the community;
13. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to the UDO;
14. 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;
15. 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;
16. The conformance of the proposed use to the Comprehensive Plan, the Major Street Plan, the Capital Improvement Plan, and other adopted planning policies;
17. The recommendation of professional staff;
18. The consistency of the proposed use with the permitted uses and the uses subject to conditions in the district which the proposed rezoning or special use is located.



## Packet Information

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**File #:** BILL NO. 17-279, **Version:** 1

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AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO CP-2 AND APPROVING A PRELIMINARY DEVELOPMENT PLAN ON APPROXIMATELY 4.3 ACRES ABUTTING 1850 NE US 40 HIGHWAY, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

(Note: The item was to be CONTINUED from December 21, 2017 per the applicant's request.)

Proposed City Council Motion:

I move for a second reading of AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO CP-2 AND APPROVING A PRELIMINARY DEVELOPMENT PLAN ON APPROXIMATELY 4.3 ACRES ABUTTING 1850 NE US 40 HIGHWAY, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.



## **BILL NO. 17-279**

---

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM AG TO CP-2 AND APPROVING A PRELIMINARY DEVELOPMENT PLAN ON APPROXIMATELY 4.3 ACRES ABUTTING 1850 NE US 40 HIGHWAY, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-203 requesting a change in zoning classification from District AG (Agricultural) to District CP-2 (Planned Community Commercial District) and approving a preliminary development plan on approximately 4.3 acres abutting 1850 NE US 40 Highway, submitted by IAC Life was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the request on November 14, 2017, and December 12, 2017, and rendered a report to the City Council recommending that the zoning requested and the preliminary development plan be denied; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on December 21, 2017, and rendered a decision to rezone said property and approve the preliminary development plan for said property.

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

SECTION 1. That the following described property is hereby rezoned from District AG to CP-2:

*All that part of Lot 1, Tarmac Place, Lee's Summit, Jackson County, Missouri, beginning at the most westerly corner of Lot 1 Tarmac Place; thence North 67 degrees 27 minutes 9 seconds East a distance of 274.96 feet; thence North 67 degrees 6 minutes 33 seconds East a distance of 23.08 feet; thence South 43 degrees 47 minutes 24 seconds East a distance of 80.62 feet; thence along a curve to the left with a radius of 975 feet and a length of 320.46 feet; thence South 62 degrees 37 minutes 17 seconds East a distance of 83.21 feet; thence along a curve to the right with an initial tangent bearing of South 62 degrees 32 minutes 1 second East, a radius of 325 feet and a length of 90.98 feet; thence South 46 degrees 34 minutes 57 seconds East a distance of 56.32; thence along a curve to the right with a radius of 325 feet and a length of 50.46 feet; thence South 37 degrees 41 minutes 15 seconds East a distance of 110.56 feet; thence along a curve to the right with a radius of 325.00 feet and a length of 55.86 feet; thence South 27 degrees 50 minutes 24 seconds East a distance of 57.31 feet; thence North 71 degrees 40 minutes 41 seconds West a distance of 503.57 feet; thence North 57 degrees 29 minutes 28 seconds West a distance of 142.54 feet; thence along a curve to the right having a radius of 2824.80 feet and a length of 282.68 feet; thence North 51 degrees 45 minutes 28 seconds East a distance of 8.4 feet; thence along a curve to*

## BILL NO. 17-279

---

*the right with a radius of 1870.00 feet and a length of 128.77 feet to the point of beginning. Containing 188,415.02 square feet.*

SECTION 2. That the following conditions of approval apply:

1. Development of any portion of the subject 4.3 acres shall require approval of a preliminary development plan submitted under separate application.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 4. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

SECTION 5. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*

# City of Lee's Summit

## Development Services Department

December 8, 2017

TO: Planning Commission

PREPARED BY: Hector Soto, Jr., Current Planning Manager

CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services

RE: **Continued PUBLIC HEARING – Application #PL2017-203 – REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN – approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy; IAC Life, applicant**

---

*This item was initially heard at the November 14, 2017, Planning Commission meeting. Following the presentation and discussion, the Planning Commission continued the public hearing with the direction that the applicant prepare and present a concept plan depicting the potential development of the subject property to support the requested rezoning. The applicant has provided a concept plan depicting a single 5,600 sq. ft. office/retail building with parking lot. While the office/retail use is consistent with both the abutting parcel to the east and the Comprehensive Plan from a general standpoint, the plan does not provide a level of detail sufficient for staff to evaluate the feasibility of said plan. Even at a conceptual development plan level, the UDO requires that certain information be provided to reasonably demonstrate that existing or future site conditions can support proposed development. Based on the information provided at this time, staff cannot support the requested rezoning.*

### Commentary

The applicant requests to rezone approximately 4.3 acres from AG (Agricultural) to CP-2 (Planned Community Commercial) with no plans at this time to develop the subject property. According to the applicant, consideration will be given to place the property into a conservation area should the applicant choose not to pursue the future development of the property. The applicant owns the abutting 14.5-acre site at 1850 NE US 40 Hwy that is zoned CP-2 and is developed with a two-story office building.

A preliminary development plan application accompanies the rezoning application in accordance with the requirements of the UDO. However, the site plan simply reflects the current undeveloped state of the subject 4.3-acre AG-zoned property and the existing office development on the abutting 14.5-acre parcel; the plan does not include any concept for the future development of any of the property.

It is not the City's practice to rezone property for a commercial purpose without an associated plan for the actual development of said property. Staff does not support the requested rezoning.

### Recommendation

Staff recommends <b>DENIAL</b> of the rezoning and preliminary development plan.
--

### Zoning and Land Use Information

<b>Location:</b> approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy to the west and south
---

<b>Current Zoning:</b> AG
---------------------------

<b>Proposed Zoning:</b> CP-2
------------------------------

**Surrounding Zoning and Use:**

**North:** CP-2 (Planned Community Commercial) – office

**South (across US 40 Hwy):** PI – golf driving range

**East:** CP-2 – office

**West (located in Independence, MO):** R-6 (Single Family Residential) – single-family residential

**Site Characteristics.** The subject 4.3 acres is an undeveloped heavily wooded parcel with significant slopes throughout the property.

**Description and Character of Surrounding Area.** The subject property is located along the northernmost limits of the city on the north side of the US 40 Hwy corridor. The property is bounded on the west by single-family residential development located within the Independence city limits; a 14.5-acre office building site on the north and east; and US 40 Hwy on the south.

**Project Information**

**Current Use:** undeveloped property

**Proposed Use:** no proposed use

**Land area:** 188,415 sq. ft. parcel (4.3 acres)

**Public Notification**

**Neighborhood meeting conducted:** n/a

**Newspaper notification published:** October 27, 2017

**Radius notices mailed to properties within 185 feet:** October 23, 2017

**Process**

**Procedure:** The Planning Commission makes a recommendation to the City Council on the proposed rezoning and preliminary development plan. The City Council takes final action on the rezoning and preliminary development plan application.

**Duration of Validity:** Rezoning of a property goes into effect upon City Council final action and does not expire.

Preliminary development plan approval by the City Council shall not be valid for a period longer than twenty-four (24) months from the date of such approval, unless within such period a final development plan application is submitted. The City Council may grant one extension not exceeding twelve (12) months upon written request. In this case, there is no proposed development plan, but rather a plan that reflects the property's existing undeveloped condition.

**Unified Development Ordinance**

Applicable Section(s)	Description
4.240, 4.250	Rezoning
4.300, 4.310, 4.320	Preliminary Development Plan
5.010	Zoning Districts

**Comprehensive Plan**

Focus Areas	Goals, Objectives and Policies
n/a (due to no development plan for the subject property)	n/a

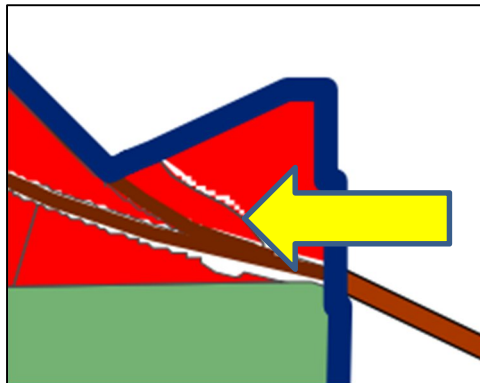
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## Analysis of Rezoning

**Request.** The applicant proposes to rezone an undeveloped 4.3-acre parcel from AG to CP-2 with no plans at this time to develop the subject property.

**Comprehensive Plan.** The Amended 2005 Lee's Summit Comprehensive Plan shows the subject property and adjacent area within the city limits as retail (see image below).



**Surrounding Land Uses.** The property to the west is located outside the city limits in Independence and is developed as a single-family residential subdivision. The abutting 14.5-acre parcel to the north and east is developed with a single two-story office building. To the south are undeveloped parcels and a golf driving range.

**Recommendation.** Staff recommends denial of the proposed rezoning and preliminary development plan. The applicant has no plans at this time to develop the subject property. While the proposed rezoning to CP-2 would match the existing CP-2 zoning of the abutting 14.5-acre site under the same ownership, it is not the City's practice to approve zoning on a speculative basis with no associated plan for the actual development of said property. Speculative rezoning of the property with no plan confers no benefit to the City and does not further the goals and objectives of good land use planning. Staff recommends that the property retain its existing AG zoning until such time as a plan for the development of the property is presented in conjunction with a rezoning application for proper evaluation.

**Ordinance Criteria.** The criteria enumerated in Article 5 were considered in analyzing this request.

- The proposed CP-2 zoning is consistent with existing zoning on adjacent property and the recommended land use in the Comprehensive Plan.
- The proposed rezoning is not accompanied by a plan for the development of the property and therefore neither fulfills a need in the community nor does it provide any economic impact to the community.
- Rezoning the property does not further the provision of public infrastructure to the area. The City of Lee's Summit does not provide water or sanitary sewer service to the subject property; water and sewer service is provided by the City of Independence. Road access is provided via US 40 Hwy, which is under MoDOT jurisdiction. The only public services provided to the property by the City of Lee's Summit are police and fire protection.

JJ/hsj

Attachments:

1. Rezoning Exhibit and Legal Description, date stamped October 23, 2017
2. Copy of Site Plan showing Existing Conditions, dated April 28, 1993
3. Rezoning Request Narrative from Applicant, date stamped September 21, 2017
4. Rezoning and Preliminary Development Plan Criteria
5. Location Map



# LEE'S SUMMIT MISSOURI

## DEVELOPMENT REVIEW FORM TRANSPORTATION IMPACT

DATE: December 4, 2017  
SUBMITTAL DATE: December 4, 2017  
APPLICATION #: PL2017203  
PROJECT NAME: 1850 NE US 40 HWY

CONDUCTED BY: Michael K Park, PE, PTOE  
PHONE: 816.969.1800  
EMAIL: Michael.Park@cityofls.net  
PROJECT TYPE: Prel Dev Plan (PDP)

### SURROUNDING ENVIRONMENT (Streets, Developments)

The proposed development is located at 1850 NE US 40 Highway. The surrounding area includes undeveloped property to south of US 40 Highway and single family residences the north, east and west of the subject property. The subject property is partially developed with a not-for-profit Church/Child Montessori use.

### ALLOWABLE ACCESS

The proposed development will be accessed from an existing private driveway shared with the existing land use that intersects US 40 Highway. There are no proposed changes to access along US 40 Highway. The existing driveway may or may not have adequate sight distance (this information has not been submitted by the applicant for staff review), but nonetheless remains a private matter along a state highway.

### EXISTING STREET CHARACTERISTICS (Lanes, Speed limits, Sight Distance, Medians)

US 40 Highway is a four-lane, median divided, MoDOT highway that borders the proposed development to the south. No other public streets or highways subject to impact from trips generated by the proposed development are in the immediate vicinity of the proposed development. MoDOT may or may not require improvements to US 40 Highway in support of the development application (this information has not been submitted by the applicant to MoDOT for review), but such review by MoDOT can be done prior to future development activity and would be required for MoDOT permit approval.

ACCESS MANAGEMENT CODE COMPLIANCE? YES ☐ NO ☐

No new access is proposed and the adjacent roadway is owned and maintained by MoDOT.

### TRIP GENERATION

Time Period	Total	In	Out
Weekday	90	45	45
A.M. Peak Hour	11	9	2
P.M. Peak Hour	14	5	9

The trip generation tabulated above represents a proposed small office building of 5,600 sq.ft.



TRANSPORTATION IMPACT STUDY REQUIRED?

YES ☐

NO ☒

The proposed development will not likely generate more than 100 vehicle trips to the surrounding street system during any given peak hour.

LIVABLE STREETS (Resolution 10-17)

COMPLIANT ☒

EXCEPTIONS ☐

The proposed development plan includes all Livable Streets elements identified in the City's adopted Comprehensive Plan, associated Greenway Master Plan and Bicycle Transportation Plan attachments, and elements otherwise required by ordinances and standards given that no municipal roadways/streets are adjacent to or nearby the proposed development. No exceptions to the Livable Streets Policy adopted by Resolution 10-17 have been proposed.

RECOMMENDATION:

APPROVAL ☒

DENIAL ☐

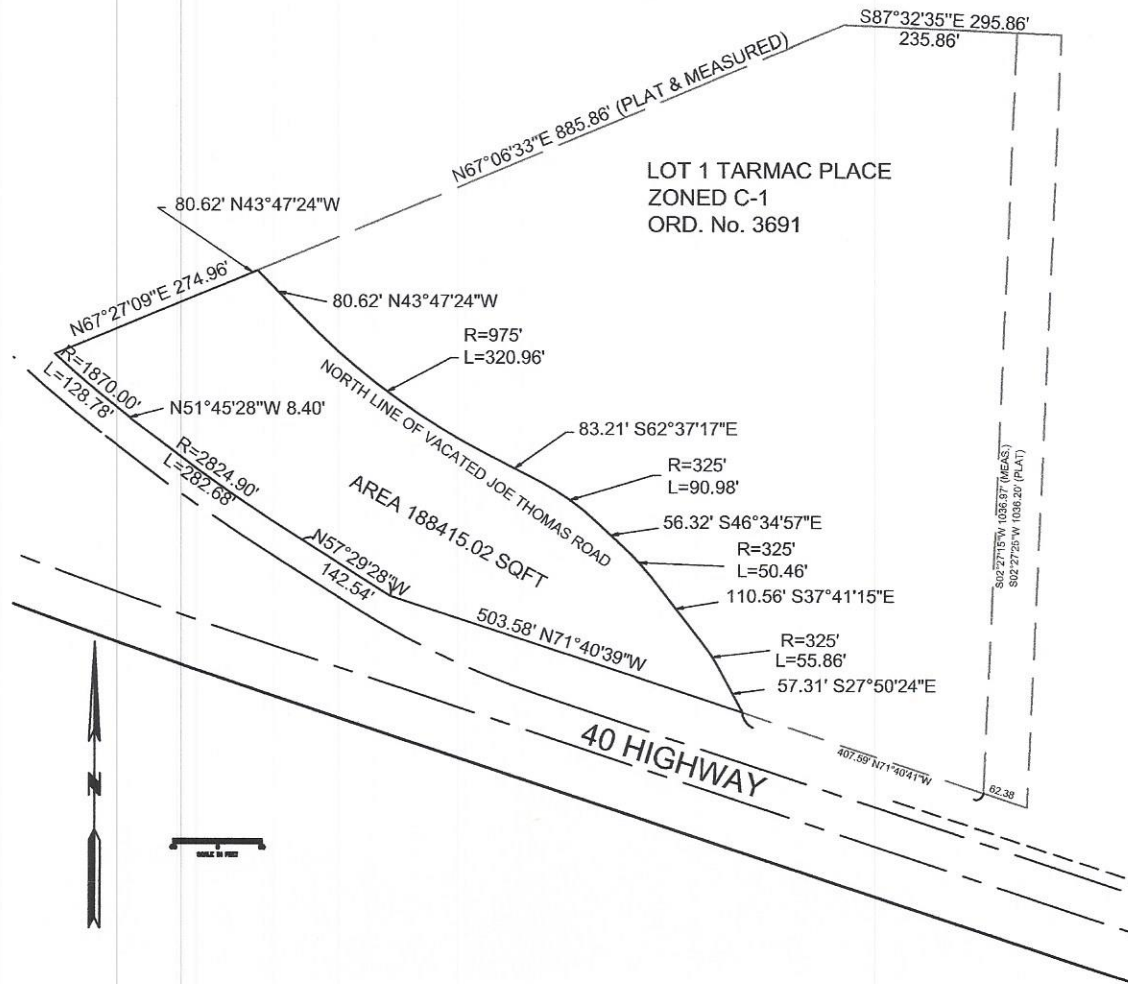
N/A ☐

STIPULATIONS ☐

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

Staff recommends approval of the proposed preliminary development plan.

# REZONING MAP



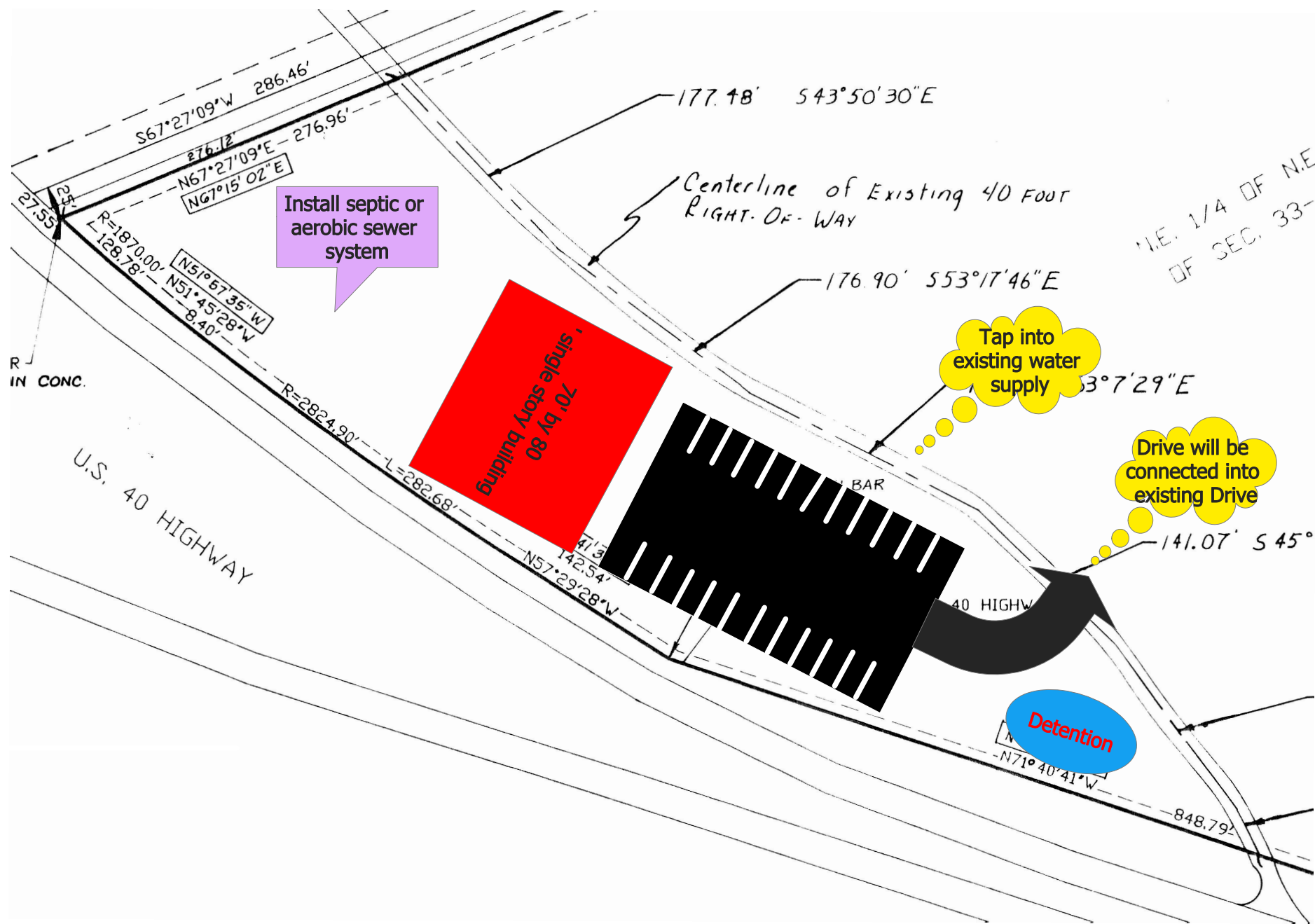
All that part of Lot 1, TARMAC Place, Lees Summit, Jackson County, Missouri, beginning at the most westerly corner of Lot 1 Tarmac place; thence North 67 degrees 27 minutes 9 seconds East a distance of 274.96 feet; thence North 67 degrees 6 minutes 33 seconds East a distance of 23.08 feet; thence South 43 degrees 47 minutes 24 seconds East a distance of 80.62 feet; thence along a curve to the left with a radius of 975 feet and a length of 320.46 feet; thence South 62 degrees 37 minutes 17 seconds East a distance of 83.21 feet; thence along a curve to the right with An initial tangent bearing of South 62 degrees 32 minutes 1 second East, a radius of 325 feet and a length of 90.98 feet; thence South 46 degrees 34 minutes 57 seconds East a distance of 56.32 feet; thence along a curve to the right with a radius of 325 feet and a length of 50.46 feet; thence South 37 degrees 41 minutes 15 seconds East a distance of 110.56 feet; thence along a curve to the right with a radius of 325.00 feet and a length of 55.86 feet; thence South 27 degrees 50 minutes 24 seconds East a distance of 57.31 feet; Thence North 71 degrees 40 minutes 41 seconds West a distance of 503.57 feet; thence North 57 degrees 29 minutes 28 seconds West a distance of 142.54 feet; thence along a curve to the right having a radius of 2824.90 feet and a length of 282.68 feet; thence North 51 degrees 45 minutes 28 seconds East a distance of 8.4 feet; thence along a curve to the right with a radius of 1870.00 feet and a length of 128.77 feet to the point of beginning. Containing; 188,415.02 feet.



CONSTRUCTION ENGINEERING SERVICES, INC.

16810-C East 40 Highway  
Independence, MO 64055  
(816)478-2323  
lee@engineeringkc.com  
SCALE: 1"=60'  
DATE: 9/6/2017  
JOB NO: TARMAC

LEE BODENHEIMER, P.E., L.S.  
Professional Engineer - Land Surveyor



SEP 21 2017

**Development Services**

Existing building.

### TRASH ENCLOSURE DETAILS

## FLUME DETAIL

## LOCATION PLAN

**PAVEMENT SECTION 'A'**

### PAVEMENT SECTION 'B'

**CURB/SIDEWALK  
DETAIL**

**CONCRETE CURB & GUTTER DETAIL** (A)

## HANDICAPPED RAMP DETAIL

## SITE PLAN

RECEIVED  
JUN 01 1993  
ENGINEERING DEPT.

\* as noted  
APPROVED BY: *Phyllis D. [Signature]*  
DATE: 5/12/93 (originally)  
CITY OF LEE'S SUMMIT  
ENGINEERING DEPARTMENT  
\* refer to 5/12/93 letter

DATE OCT. 5, 1992 REVISED APRIL 19, 1993

**LE**  
**BOZICH ARCHITECTS**

A NEW OFFICE BUILDING FOR:  
**TARMAC EQUIPMENT COMPANY**

SHIRE

OF 12



930 E. 2<sup>nd</sup>  
Edmond, OK 73034

Lee's Summit "Planning Commission & City Council"

Re: Tar Mac Place 1850 NE US HWY

Dear Sir,

IAC Life would like to re-zone the approximately 4 acres of land (parcel # 34-700-01-13) from AG to CP2. This parcel was not re-zoned with the remainder of the land in 1992. After successful re-zoning, should IAC Life choose not to proceed with the development of this parcel, consideration would be given to placing this approximately 4 acres into a conservation area. IRC 170(h) Qualified Conservation Contribution.

Regards,

Lonnie Gilliland

A handwritten signature in blue ink, appearing to read "Lonnie Gilliland", is written over the printed name.

Contact Information:

James L Harlin, Chairman, President & CEO

[jharlin@iaclife.com](mailto:jharlin@iaclife.com)

405-285-0838 Ext 110

Lonnie Gilliland

[louiegiii@aol.com](mailto:louiegiii@aol.com)

Cell: 405-314-7891

RECEIVED

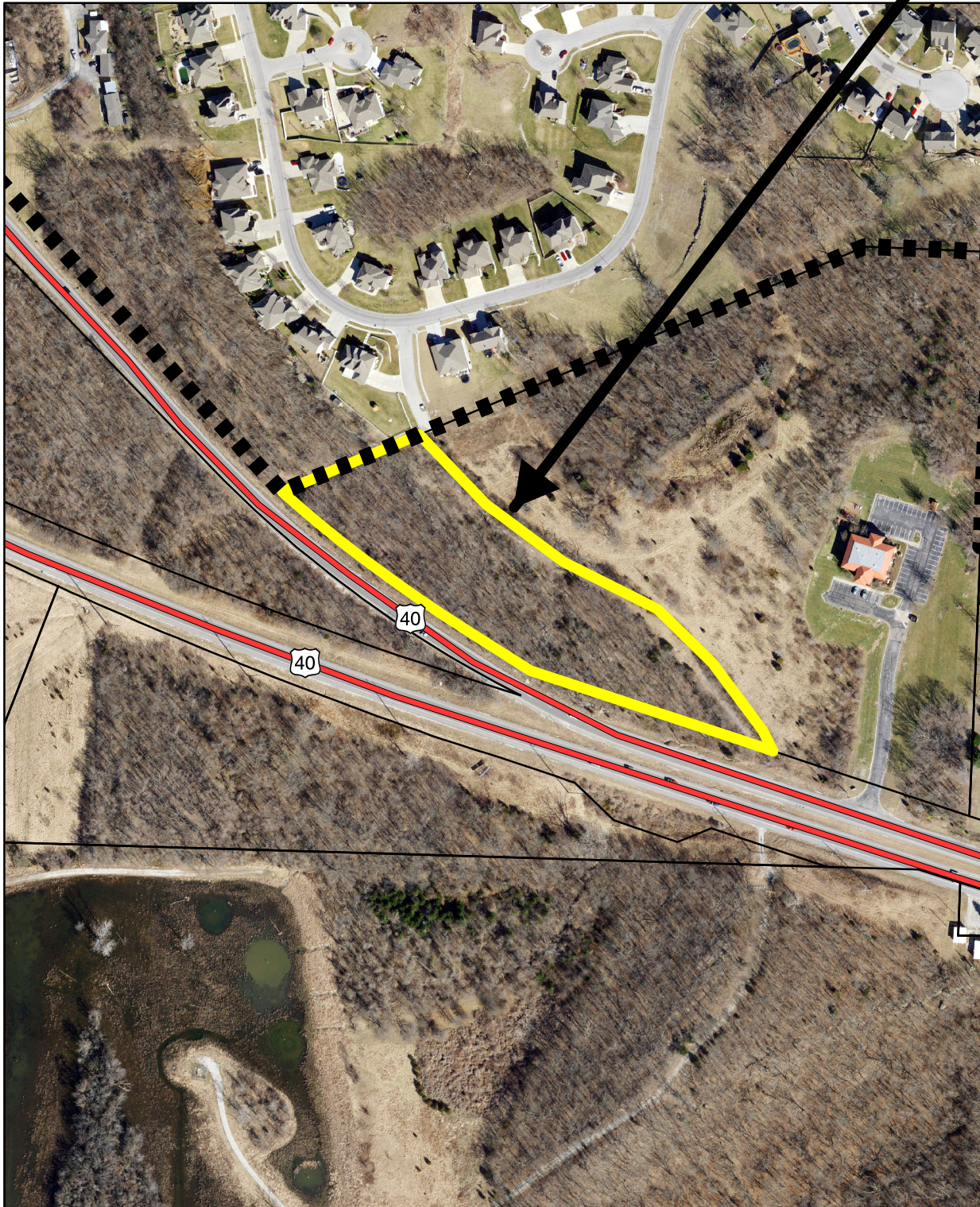
SEP 21 2017

Development Services

- 2017 - 2018 -



**Appl. #PL2017-203 REZ and PDP  
approximately 4.3 acres;  
IAC Life, applicant**





## Packet Information

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**File #:** 2017-1575, **Version:** 1

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**Continued PUBLIC HEARING - Application #2017-217 - VACATION OF RIGHT-OF-Way - a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road; Darla Anderson, applicant**

Issue/Request:

This application is to vacate a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road. The subject portion of right-of-way is a remnant from a previous alignment of NE Todd George Road that extends onto what is now a single-family residential parcel addressed as 1501 NE Wall St. The City has no use or need for the surplus right-of-way.

The request for vacation of right-of-way was sent to the City's Public Works and Water Utilities Departments, as well as the private utility companies, for their input. No objections to the requested vacation were received.

Recommendation: Staff recommends **APPROVAL** of the vacation of right-of-way for a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road.

Committee Recommendation: **PLANNING COMMISSION ACTION:** On motion of Mr. Funk and seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **Recommend APPROVAL of Appl. #PL2017-217 - VACATION OF RIGHT-OF-WAY** - a portion of NE Todd George Rd located approximately 90 feet north of the intersection of NE Wall St and NE County Park Rd; Darla Anderson, applicant, subject to staff's letter dated December 8, 2017.



## LEE'S SUMMIT PLANNING COMMISSION

### Minutes of Tuesday, December 12, 2017

The Tuesday, December 12, 2017, Lee's Summit Planning Commission meeting was called to order by Chairperson Norbury at 5:00 p.m., at City Council Chambers, 220 SE Green Street, Lee's Summit, Missouri.

#### OPENING ROLL CALL:

Chairperson Jason Norbury	Present	Mr. Herman Watson	Absent
Mr. Donnie Funk, Vice Chair	Present	Mr. Beto Lopez	Present
Ms. Colene Roberts	Present	Ms. Carla Dial	Present
Mr. Don Gustafson	Present	Mr. Jeffrey Sims	Present
Ms. Dana Arth	Present		

Also present were Hector Soto, Planning Division Manager; Jennifer Thompson, Staff Planner; Nancy Yendes, Chief Counsel Infrastructure and Zoning; Kent Monter, Development Engineering Manager; Jim Eden, Assistant Fire Chief I, Fire Department; and Kim Brennan, Permit Technician.

#### 1. APPROVAL OF CONSENT AGENDA

- A. **Application #PL2017-238 -- FINAL PLAT** -- Siena at Longview, 4th Plat, lots 216A-218A, 224A and 320-328; Engineering Solutions, LLC, applicant
- B. **Minutes** of the November 28, 2017 Planning Commission meeting

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the Consent Agenda, Item 1A-B as published.

#### APPROVAL OF AGENDA:

Chairperson Norbury announced that Application #PL2017-223 had been added as agenda Item 2. He asked for a motion to approve the agenda as amended. On the motion of Mr. Funk, seconded by Mr. Lopez, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as amended

#### PUBLIC COMMENTS

There were no public comments at the meeting.

- 2. **Application #PL2017-223 – SPECIAL USE PERMIT** to allow the keeping of therapy animals in the R-1 district; approximately 11 total acres inclusive of the properties addressed as 6 NW O'Brien Road, 100 NW O'Brien Road, 413 NW Donovan Road and 415 NW Donovan Road; Mark Farner, applicant

Chairperson Norbury opened the hearing at 5:06 p.m. and stated that this item had been added to the agenda, as notices had already gone out. Staff had requested that the hearing be continued to a date uncertain.

Ms. Roberts made a motion to continue Application PL2017-223 to a date uncertain, and Mr. Lopez seconded.

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

On the motion of Ms. Roberts, seconded by Mr. Lopez, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2017-223 to a date uncertain.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

3. <b>Application #PL2017-144 -- PRELIMINARY DEVELOPMENT PLAN</b> -- Kessler Ridge at New Longview, 2nd Plat, Lots 56-87, Tracts E-G; Inspired Homes, applicant
---

Chairperson Norbury opened the hearing at 5:08 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Shannon Buester of Olsson, gave her business address as 1301 Burlington in North Kansas City. The application was an amended development plan, and the had been before the Commission a few months ago. In the originally approved development plan, the applicants had not had a definite plan for the area around the historic homes on the east side of Longview Boulevard. The plan amendment showed an actual layout and a plan for that part. The Longview neighbors wanted to designate the corner at the Longview Boulevard roundabout as a TND type neighborhood, to match the neighborhood on the south side. In that one area, the houses on the cul-de-sac were designed to face away from the cul-de-sac and toward the open space to the north and the road to the south. That would give it a more traditional look. The Planning Commission had raised questions about the unusual orientation of garages facing the cul-de-sac, as well as City staff after the first hearing. As a result, the applicants had made further adjustments to the layout, orienting the houses to the cul-de-sac. This was the only change made to the plan.

Following Ms. Buester's presentation, Chairperson Norbury asked for staff comments.

Ms. Thompson entered Exhibit (A), list of exhibits 1-15 into the record. She related that the project was the second phase of a single-family residential subdivision, Kessler Ridge at New Longview. It was located at the northeast corner of Longview Boulevard and Longview Road, and had PMIX zoning. It was bordered by single-family subdivisions to the north, east and south. The project information was basically the same as the previous plan the Commission had seen last September: a single-family residential subdivision on 11.55 acres with 32 lots and three common areas. The revised plan showed building footprints that oriented the homes toward SW Merriam Court, replacing the previous orientation the other way. Ms. Thompson then displayed a table showing comparisons between the previous and current plan, with the right-of-way width increased and 5-foot sidewalks on both sides of the street in addition to the

changes in orientation. The homes now included detached garages and some of the design standard setbacks had been revised. Other slides displayed renderings of typical elevations.

Staff recommended approval subject to 7 Recommendation Items. The first three were the standard requirements for consistency with the November 1, 2017 preliminary development plan. Items 4, 5 and 6 established setbacks for the lots and Item 7 defined responsibility for construction of a white rail fence along SW Longview Road.

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

Mr. Scott Brio gave his address as 3168 SW Rock Ridge Drive, and added that he was present representing the Longview Alliance. They had kept in contact with the developer throughout the process. He commended the applicants for working with the neighbors and for keeping the green spaces behind some of the homes and the historical properties. The current concern was about the houses that would now be facing toward the cul-de-sac. They did not want a stockade of fences along the boulevard and had been assured that the white rail fence would be installed, as well as limiting other fences on the lots and providing heavy landscaping. Mr. Brio stated that the Alliance supported the plan.

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

Mr. Gustafson noted that staff's report mentioned sidewalks on both sides of Merriam Court; however, the drawing showed a sidewalk only on the south side. Ms. Thompson answered that the revised drawing showed them on both sides but staff had not received it yet. Staff's report also included a note that this change be made. Mr. Gustafson then observed that Longview Road was an arterial, and asked what the required sidewalk width was for that classification. Ms. Thompson replied that the overall standard was five feet. Mr. Monter added that it was six feet if it was adjacent to the curb, unless designated as a path; and in that case it would be ten feet. Mr. Gustafson asked if the Longview Road frontage was designated as a path. Ms. Thompson confirmed that it was shown as ten feet; but only on Longview Boulevard, not on Longview Road.

Ms. Roberts asked what was the plan for the historic properties, and what separation would be in place between them and the homes. Ms. Thompson cited the steps being taken. The development plan proposed to move and salvage the saddle horse manager's office, as part of the TIF plan. The other two historic structures would remain in place. Ms. Buester added that conversations were ongoing and the buildings would be used for something. No decisions had been made yet. Ms. Roberts asked about buffering for the adjacent homes, and Ms. Buester stated that initially they had showed a layout with the lot lines coming straight up to the edge of the property owned by Inspired. The neighbors had told the developers they wanted to see a buffer tract, which was Tract F.

Ms. Dial noted that it looked like a ten-foot sidewalk came down Longview Road from east to west, stopped at Red Buck, while a sidewalk came down Longview Boulevard from north to south. There appeared to be an area behind about five houses with no sidewalk. Mr. Monter provided a larger map, which showed a five-foot sidewalk on Longview Road.

Chairperson Norbury asked Ms. Buester if the applicants agreed with all seven of the Recommendation Items, and Ms. Buester replied that they did.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:22 p.m. and asked for discussion among the Commission members, or for a motion. He thanked the applicant and staff, remarking that this was a good example of input from the community, the Commission and the Council to find a workable plan.

Mr. Funk made a motion to recommend approval of Application PL2017-144, Preliminary Development Plan: Kessler Ridge at New Longview, 2nd Plat, Lots 56-87, Tracts E-G; Inspired Homes, applicant; subject to staff's letter of December 8, 2017, specifically Recommendation Items 1 through 7. Ms. Roberts seconded.

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

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2017-144, Preliminary Development Plan: Kessler Ridge at New Longview, 2nd Plat, Lots 56-87, Tracts E-G; Inspired Homes, applicant; subject to staff's letter of December 8, 2017, specifically Recommendation Items 1 through 7.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

4. <b>Continued Application #PL2017-203 -- REZONING</b> from AG to CP-2 and <b>PRELIMINARY DEVELOPMENT PLAN</b> -- approximately 4.3 acres abutting the property at 1850 NE US 40 Highway; IAC Life, applicant
--

Chairperson Norbury opened the hearing at 5:24 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Jim Harlan identified himself, owner and president of Individual Assurance Company [IAC]. He stated that the subject property had an inconsistency with zoning. About 82 percent of the total 18 acres was zoned CP-2 and the rest, along 40 Highway, was zoned AG. The application was to correct this error and rezone the whole property as CP-2. Much of the surrounding property was CP-2, and he wanted to work with an investor to develop the property. He had submitted concept plans for the property previously, including one that was denied due to infrastructure issues. He had also been asked to submit specific plans for the acreage to be rezoned.

Mr. Harlan emphasized that any plans would consist of offices, sufficient parking, adequate stormwater detention and utilities. A detailed plan would require a significant amount of funds, and the investor group did not want to act until the rezoning. The City had the authority to approve, disapprove or modify any plan submitted at a later date; and the correction to this past zoning error would not affect that. This was not a speculative land venture on the part of IAC, as they had owned the property for 13 years. The lack of consistent zoning had been unexpected, but IAC wanted to work with the investor to develop the land. They intended to

adopt a plan that would benefit the neighborhood, the city and the economy of the general area.. Timing, and the first quarter of 2018 in particular, was critical for the plan. He wanted to get additional investors; and a definite plan would be essential.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-13 into the record. He gave some background about the subject property and its zoning. On an aerial map, he pointed out a single-family subdivision immediately to the west. It was within the city of Independence, and had a stub street at the east end that extended into the subject property. A right-of-way had been established that separated the portion highlighted on the map from the portion with the existing building. In 1992, the property with the office building was rezoned to the current CP-2, in order to accommodate the building's development. The property being rezoned tonight was not included in that rezoning. The right-of-way was vacated in 2006.

Mr. Soto displayed the new concept plan, noting that it was not a scale drawing. The office building was 70 by 80 feet, for 5600 square feet; with 24 parking spaces. It would have a shared driveway with the existing office building to the east. While the plan was consistent with the comprehensive plan, it did not have enough detail for staff to determine whether it was feasible. This particular piece of land had significant changes in topography that might make the displayed configuration difficult to impossible. Mr. Soto qualified the statement, noting that a 70x80-foot building would not take up as much space as the drawing showed. He continued that the proposed sewer plan would be provided via a septic or aerobic system, and the development would access the existing water supply. Services to the site would be provided by the city of Independence, not Lee's Summit. Mr. Soto summarized that staff still recommended denial, on the basis of insufficient information to recommend otherwise.

Following Mr. Soto's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then asked if the Commission had questions for the applicant or staff.

Mr. Funk noted Mr. Harlan's remark about investors who were hesitant to go forward without the zoning change, as well as a reference to working with investors. He asked Mr. Harlan if he had investors at present or not. Mr. Harlan stated that he did have some investors, and some had previously invested in real estate. Mr. Funk pointed out that in that case, they would know that part of the cost of development would be the surveys and detailed plans a government entity would require. Mr. Harlan stated that they were more than willing to do that. This property had been owned by a single entity and the investors did understand what would be needed. He emphasized that the aim of this application tonight was to get the zoning consistent.

Mr. Lopez asked if the office building would be built on spec, or if it already had a future tenant. Mr. Harlan answered that it would be on spec, but they would do research before starting construction. Mr. Lopez then asked if Mr. Harlan had worked with any real estate brokerage services, which could provide some valuable information on the market. Mr. Harlan answered that they intended to do that, and the results would influence the approach when development started.

Ms. Arth that for her, the main issue was that it all seemed so ambiguous. So far the City had no real answers as to what the plans were for the property. She asked if there was any option

he had ruled out. Mr. Harlan answered that the zoning issue was the main reason for hesitation at present. Ms. Arth then asked if he had any certain type of office use; and Mr. Harlan answered that he was in the insurance business and had a business partner, and an investor, who was essentially the marketing operation. This partner's business was expanding, so that could be the first tenant.

Chairperson entered the applicant's December 12th letter into the record as exhibit 14. He asked if, on the basis of an overall conceptual plan, Mr. Harlan intended to develop the entire 18-acre lot. Mr. Harlan answered that he did, and wanted to have a consistent plan for it.

Mr. Sims asked if it was correct that the concept plan showed a 40-foot right-of-way that no longer existed. He also wanted to know if the property did have access to a water supply. Mr. Soto answered that the right-of-way did no longer exist, as of 2006. The concept plan included an old drawing of the location. Staff did not have any information as to where the water connection would be. Mr. Harlan clarified that the connection was at the east side of the property, and the existing building used water from that source including the emergency sprinkler system.

Mr. Gustafson asked what were the City's requirements for a conceptual development plan. Mr. Soto replied that it should include elevations of various proposed buildings showing general style and materials; basic engineering information regarding stormwater, sewers and water access; and a basic landscaping plan. It should communicate the "big picture" of the project.

Chairperson Norbury asked if staff knew of any earlier applications that granted a rezoning without a full plan in place. Mr. Soto did not recall any; and remarked that rezoning applications typically included the information he had just cited. New Longview had been rezoned in 1999-2000; and the conceptual plan had included street layout and basic information about utilities and architecture. However, more recently the Bayberry shopping center had CP2 zoning on the north half of the property and CP-1 on the south half. This had been corrected without a conceptual plan, as the center was already built out.

Mr. Harlan remarked that whatever he might plan for this piece of land, with the details Mr. Soto had mentioned, might not fit the entire property in terms of planning. The request had been to develop just the three acres but the long-range plan was to develop the rest of the lot.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:47 p.m. and asked for discussion among the Commission members.

Ms. Arth emphasized that it was difficult to evaluate a conceptual plan that did not make it clear what the applicant wanted to do. She understood that it was difficult to put that together for just part of the property; however, part of the Commission's function was to evaluate how the concepts lined up with what the City wanted to do. Their job was to vet proposals before they went to the Council; and just the outline of an office building and parking lot did not provide much to go on.

Chairperson Norbury suggested to the applicant that he develop a plan for the entire plot, and make that part of a future application along with the proposed rezoning. Both would be portions



of the same process; and that could considerably simplify the rezoning. This was something the Commission regularly did.

Ms. Roberts remarked that if the Council and City denied the application again, it was because they did not have enough information. If Mr. Harlan had plans to develop it and provided the information it was likely that the rezoning would happen.

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

Mr. Funk made a motion to recommend denial of continued Application PL2017-203, Rezoning from AG to CP-2 and Preliminary Development Plan: approximately 4.3 acres abutting the property at 1850 NE US 40 Highway; IAC Life, applicant; subject to staff's letter of December 8, 2017. Mr. Sims seconded.

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

On the motion of Mr. Funk, seconded by Mr. Sims, the Planning Commission members voted unanimously by voice vote to recommend **DENIAL** of continued Application PL2017-203, Rezoning from AG to CP-2 and Preliminary Development Plan: approximately 4.3 acres abutting the property at 1850 NE US 40 Highway; IAC Life, applicant; subject to staff's letter of December 8, 2017.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

<p>5. <b>Continued Application #PL2017-217 -- VACATION OF RIGHT-OF-WAY</b> -- a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall Street and NE County Park Road; Darla Anderson, applicant</p>
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Chairperson Norbury opened the hearing at 5:52 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Roger Bachus, of Boundary and Construction Survey, stated that he was the surveyor and was present representing Ms. Darla Anderson. This had begun as a minor plat, as she wanted to rebuild her house. She had been told that she needed a minor plat; since the original plat was done during the 1920s and the property had been unplatted for a long time. During this process they had discovered that this older plat had included a right-of-way that went to the east end. That included the front part of the property. After consulting with City staff, he was unable to find any evidence that the right-of-way had been vacated. There were no utilities in it.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-12 into the record. He confirmed that this application was essentially a housekeeping problem. He displayed an aerial map with the property highlighted in yellow. The right-of-way was about 25 feet wide and 200 feet long. When George's Addition was platted in 1937, it was in an unincorporated part of Jackson County; and was annexed in 1964. In the interim the existing home had been built, in 1953.

The initial plat showed it extending to the present-day lake, though it was not clear what the intent was. He pointed out the boundaries of the property itself, which abutted the shore of the lake. It would have to be vacated before the City could approve the minor plat and Ms. Anderson could proceed with the project.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. As there were none, he then asked if the Commission had questions for the applicant or staff.

Mr. Gustafson noted another section of the right-of-way that went through other nearby properties, and asked if the entire stretch would be vacated. Mr. Bachus stated that while the map showed the rest of the right-of-way, there was no road. The rest of the right-of-way was not on the applicant's property, so it was not part of the application.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:02 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of continued Application PL2017-217, Vacation Of Right-Of-Way: a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall Street and NE County Park Road; Darla Anderson, applicant; subject to staff's letter of December 8, 2017. Ms. Roberts seconded.

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

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of continued Application PL2017-217, Vacation Of Right-Of-Way: a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall Street and NE County Park Road; Darla Anderson, applicant; subject to staff's letter of December 8, 2017.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

## **ROUNDTABLE**

Mr. Funk announced that Ms. Brennan, who was present, had been awarded the Development Services Employee of the Year this week.

Mr. Soto reminded the Commission that the next Planning Commission meeting would be January 9, 2018.

## **ADJOURNMENT**

There being no further business, Chairperson Norbury adjourned the meeting at 6:03 p.m.

PC 121217

# City of Lee's Summit

## Development Services Department

December 8, 2017

TO: Planning Commission

PREPARED BY: Shannon McGuire, Planner

CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services

RE: **Continued PUBLIC HEARING – Application #PL2017-217 – VACATION OF RIGHT-OF-WAY – a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road; Darla Anderson, applicant**

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### Commentary

This application is to vacate a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road. The subject portion of right-of-way is a remnant from a previous alignment of NE Todd George Road that extends onto what is now a single-family residential parcel addressed as 1501 NE Wall St. The City has no use or need for the surplus right-of-way.

The request for vacation of right-of-way was sent to the City's Public Works and Water Utilities Departments, as well as the private utility companies, for their input. No objections to the requested vacation were received.

### Recommendation

Staff recommends <b>APPROVAL</b> of the vacation of right-of-way for a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road.
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### Zoning and Land Use Information

<b>Location:</b> approximately 90 feet north of the intersection of NE Wall St and NE County Park Road.
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<b>Current Zoning:</b> R-1 (Single-family Residential district)
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<b>Surrounding zoning and use:</b>
------------------------------------

<b>North:</b> R-1 – single-family residential
---

<b>South:</b> AG (Agricultural district) – county park
--

<b>East:</b> Un-zoned county park (Prairie Lee Lake)
--

<b>West (across NW Wall St):</b> R-1 – single-family residential
--

**Site Characteristics.** The subject portion of right-of-way is located across part of the parcel addressed as 1501 NE Wall St, which is developed with a single-family home. The home was constructed in 1953 over the existing right-of-way.

**Description and Character of Surrounding Area.** The area is located along the shoreline of Prairie Lee Lake. The area to the north and west is developed with single-family residences. To the south is a county park, and to the east is Prairie Lee Lake.

## Public Notification

**Neighborhood meeting conducted:** n/a

**Newspaper notification published:** November 11, 2017

**Notices mailed to properties within 185 feet:** November 27, 2017

## Process

**Procedure:** The Planning Commission holds a public hearing and makes a recommendation to the City Council on the proposed vacation of right-of-way. The City Council holds a public hearing and takes final action on the vacation of right-of-way application. All vacation of right-of-way applications shall be approved by ordinance.

**Duration of Validity:** The vacation of right-of-way goes into effect upon City Council final action, unless otherwise stated in the approval, and does not expire.

## Unified Development Ordinance

Applicable Section(s)	Description
4.460, 4.470	Vacation of Right-of-way

## Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
n/a	

## Background

- 1953 – The existing single-family residence located at 1501 NE Wall St was constructed. The property was located in unincorporated Jackson County as the time of the home's construction.
- December 31, 1964 – This property and surrounding area was annexed into the City of Lee's Summit.

## Analysis of Vacation of Right-of-way

This application is to vacate a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road. The subject portion of right-of-way is a remnant from a previous alignment of NE Todd George Road. The City has no use or need for the surplus right-of-way.

Letters were sent to the utility companies (KCP&L, Laclede Gas, AT&T, Time Warner Cable and Comcast Cable), as well as to the City's Public Works and Water Utilities Departments, for their input. No objections to the requested vacation were received.

JJ/csm

### Attachments:

1. Drawing and description of the right-of-way to be vacated, date stamped October 6, 2017—  
1 page
2. Location Map

 = TRACT NUMBER

**OWNERSHIP:**

1. JACKSON COUNTY MISSOURI  
415 E. 12TH STREET  
KANSAS CITY, MO. 64106
2. SEAN & MELINDA  
RT. 4, BOX 777  
BUTLER, MO. 64730
3. JARED & KATHLEEN HAMMONS  
1505 NE WALL STREET  
LEE'S SUMMIT, MO. 64086
4. TODD & REBECCA HENDRICKSON  
1507 NE WALL STREET  
LEE'S SUMMIT, MO. 64086
5. JOHN M. & JANET K. SCHULMEISTER  
1508 NE WALL STREET  
LEE'S SUMMIT, MO. 64086
6. JOSEPH M. SOKOLOWSKI  
2103 NE TODD GEORGE ROAD  
LEE'S SUMMIT, MO. 64086

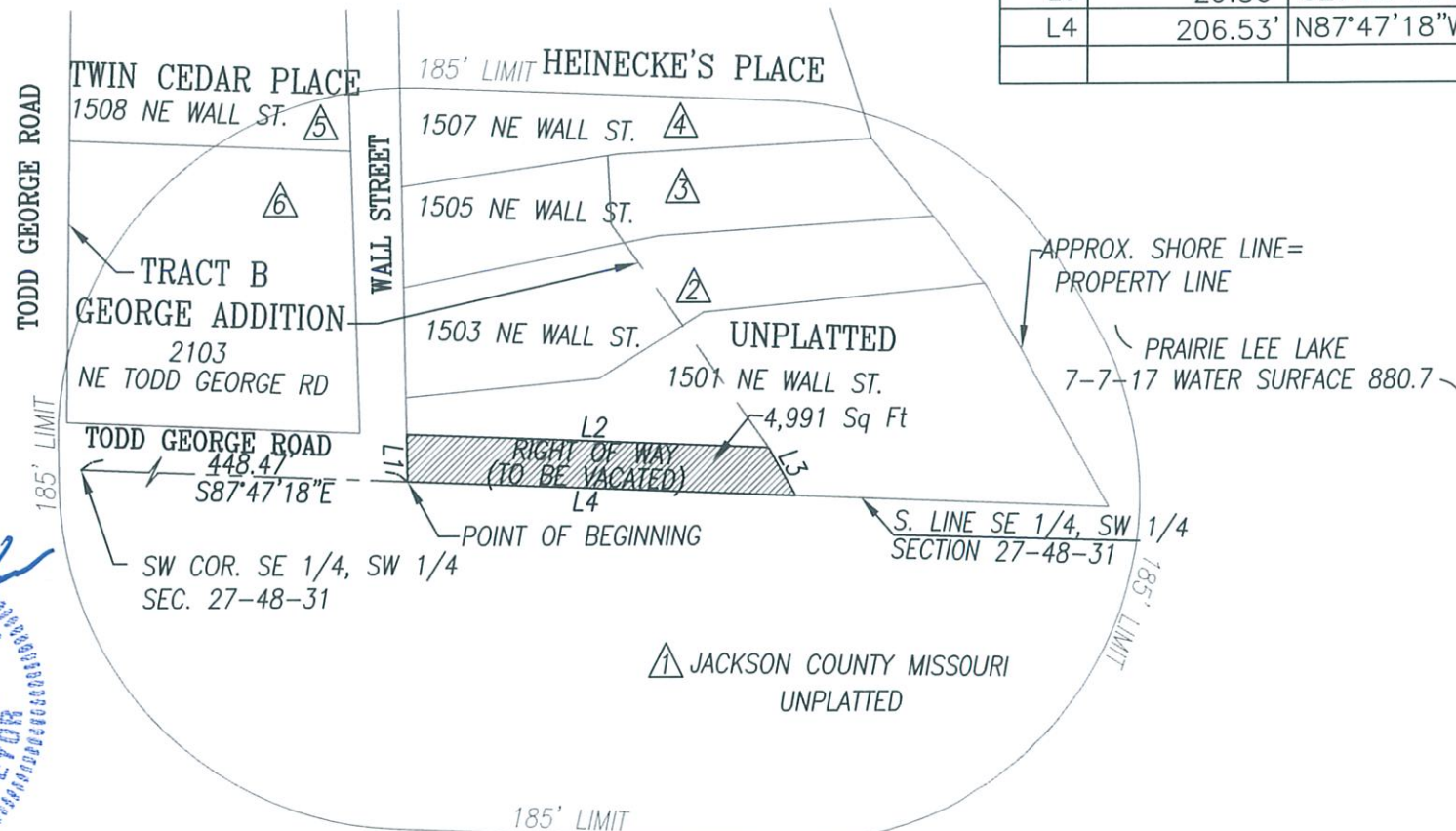
**VACATION DESCRIPTION:**

PART OF TRACT B, A PART OF LOTS 1 AND 2, GEORGE ADDITION, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, THE ENTIRE TRACT BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 48, RANGE 31; THENCE EAST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION, 448.47 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 14 MINUTES 33 SECONDS WEST (RECORD=NORTH 03 DEGREES 27 MINUTES 15 SECONDS WEST), 25.05 FEET; THENCE SOUTH 87 DEGREES 47 MINUTES 18 SECONDS EAST, 192.66 FEET; THENCE SOUTH 29 DEGREES 23 MINUTES 18 SECONDS EAST (RECORD=SOUTH 31 DEGREES 36 MINUTES EAST), 29.36 FEET TO A POINT ON THE SOUTH LINE OF SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 48, RANGE 31; THENCE NORTH 87 DEGREES 47 MINUTES 18 SECONDS WEST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION, 206.53 FEET TO THE POINT OF BEGINNING.



VACATION OF RIGHT-OF-WAY EXHIBIT  
A PART OF TRACT B, GEORGE ADDITION  
LEE'S SUMMIT, JACKSON COUNTY, MISSOURI

LINE TABLE		
LINE	LENGTH	BEARING
L1	25.05'	N01°14'33"W
L2	192.66'	S87°47'18"E
L3	29.36'	S29°23'18"E
L4	206.53'	N87°47'18"W



DATE: OCTOBER 27, 2017

CLIENT:

DARLA K. ANDERSON  
31000 E. WEBSTER  
GRAIN VALLEY, MISSOURI 64029  
PH.# 816-304-3983

VACATION OF RIGHT OF WAY EXHIBIT

BOUNDARY & CONSTRUCTION  
SURVEYING, INC.

821 NE COLUMBUS STREET SUITE 100, LEE'S SUMMIT, MO. 64063  
PH.# 816/554-9798, FAX # 816/554-0337

PROJECT NO. 17-181 RW

SHEET 1 OF 1

1501 NE WALL STREET, LEE'S SUMMIT, MO



**#PL2017-217 – VACATION OF RIGHT-OF-WAY –  
Portion of NE Todd George Rd located approx. 90 feet  
north of the intersection of NE Wall St and NE County Park Rd  
Darla Anderson, applicant**



## Packet Information

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**File #:** BILL NO. 18-01, **Version:** 1

---

AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR A PORTION OF NE TODD GEORGE ROAD LOCATED APPROXIMATELY 90 FEET NORTH OF THE INTERSECTION OF NE WALL ST AND NE COUNTY PARK ROAD. WITHIN THE CITY OF LEE'S SUMMIT, MISSOURI.

Proposed City Council Motion:

I move for adoption of AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR A PORTION OF NE TODD GEORGE ROAD LOCATED APPROXIMATELY 90 FEET NORTH OF THE INTERSECTION OF NE WALL ST AND NE COUNTY PARK ROAD. WITHIN THE CITY OF LEE'S SUMMIT, MISSOURI.



## BILL NO. 18-01

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AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR A PORTION OF NE TODD GEORGE ROAD LOCATED APPROXIMATELY 90 FEET NORTH OF THE INTERSECTION OF NE WALL ST AND NE COUNTY PARK ROAD, WITHIN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-217, submitted by Darla Anderson, requesting vacation of the dedicated right-of-way for a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road, was referred to the Planning Commission as required by the Unified Development Ordinance No. 5209; and,

WHEREAS, the right-of-way existed in Jackson County prior to annexation into the City of Lee's Summit; and,

WHEREAS, Application #PL2017-217, submitted by Darla Anderson, requesting vacation of the right-of-way, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the request on December 12, 2017, and rendered a report to the City Council containing findings of fact and recommending that the requested vacation of right-of-way be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on January 4, 2018, and rendered a decision to vacate said right-of-way.

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

SECTION 1. That the following described right-of-way for a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road is hereby and herewith vacated:

*PART OF TRACT B, A PART OF LOTS 1 AND 2, GEORGE ADDITION, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, THE ENTIRE TRACT BEING DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 48, RANGE 31; THENCE EAST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION, 448.47 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 14 MINUTES 33 SECONDS WEST (RECORD=NORTH 03 DEGREES 27 MINUTES 15 SECONDS WEST), 25.05 FEET; THENCE SOUTH 87 DEGREES 47 MINUTES 18 SECONDS EAST, 192.66 FEET; THENCE SOUTH 29 DEGREES 23 MINUTES 18 SECONDS EAST (RECORD=SOUTH 31 DEGREES 36 MINUTES EAST), 29.36 FEET TO A POINT ON THE SOUTH LINE OF SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 48, RANGE 31; THENCE NORTH 87 DEGREES 47 MINUTES 18 SECONDS WEST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION, 206.53 FEET TO THE POINT OF BEGINNING.*

## **BILL NO. 18-01**

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SECTION 2. That the City Clerk be and is hereby authorized and directed to acknowledge a copy of this ordinance and to record same in the Office of the Recorder of Deeds for the County in which the property is located.

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

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Trisha Fowler Arcuri*

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

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
*City Attorney Brian W. Head*

# City of Lee's Summit

## Development Services Department

December 8, 2017

TO: Planning Commission

PREPARED BY: Shannon McGuire, Planner

CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services

RE: **Continued PUBLIC HEARING – Application #PL2017-217 – VACATION OF RIGHT-OF-WAY – a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road; Darla Anderson, applicant**

---

### Commentary

This application is to vacate a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road. The subject portion of right-of-way is a remnant from a previous alignment of NE Todd George Road that extends onto what is now a single-family residential parcel addressed as 1501 NE Wall St. The City has no use or need for the surplus right-of-way.

The request for vacation of right-of-way was sent to the City's Public Works and Water Utilities Departments, as well as the private utility companies, for their input. No objections to the requested vacation were received.

### Recommendation

Staff recommends <b>APPROVAL</b> of the vacation of right-of-way for a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road.
--

### Zoning and Land Use Information

<b>Location:</b> approximately 90 feet north of the intersection of NE Wall St and NE County Park Road.
---

<b>Current Zoning:</b> R-1 (Single-family Residential district)
---

<b>Surrounding zoning and use:</b>
------------------------------------

<b>North:</b> R-1 – single-family residential
---

<b>South:</b> AG (Agricultural district) – county park
--

<b>East:</b> Un-zoned county park (Prairie Lee Lake)
--

<b>West (across NW Wall St):</b> R-1 – single-family residential
--

**Site Characteristics.** The subject portion of right-of-way is located across part of the parcel addressed as 1501 NE Wall St, which is developed with a single-family home. The home was constructed in 1953 over the existing right-of-way.

**Description and Character of Surrounding Area.** The area is located along the shoreline of Prairie Lee Lake. The area to the north and west is developed with single-family residences. To the south is a county park, and to the east is Prairie Lee Lake.

## Public Notification

**Neighborhood meeting conducted:** n/a

**Newspaper notification published:** November 11, 2017

**Notices mailed to properties within 185 feet:** November 27, 2017

## Process

**Procedure:** The Planning Commission holds a public hearing and makes a recommendation to the City Council on the proposed vacation of right-of-way. The City Council holds a public hearing and takes final action on the vacation of right-of-way application. All vacation of right-of-way applications shall be approved by ordinance.

**Duration of Validity:** The vacation of right-of-way goes into effect upon City Council final action, unless otherwise stated in the approval, and does not expire.

## Unified Development Ordinance

Applicable Section(s)	Description
4.460, 4.470	Vacation of Right-of-way

## Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
n/a	

## Background

- 1953 – The existing single-family residence located at 1501 NE Wall St was constructed. The property was located in unincorporated Jackson County as the time of the home's construction.
- December 31, 1964 – This property and surrounding area was annexed into the City of Lee's Summit.

## Analysis of Vacation of Right-of-way

This application is to vacate a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall St and NE County Park Road. The subject portion of right-of-way is a remnant from a previous alignment of NE Todd George Road. The City has no use or need for the surplus right-of-way.

Letters were sent to the utility companies (KCP&L, Laclede Gas, AT&T, Time Warner Cable and Comcast Cable), as well as to the City's Public Works and Water Utilities Departments, for their input. No objections to the requested vacation were received.

JJ/csm

### Attachments:

1. Drawing and description of the right-of-way to be vacated, date stamped October 6, 2017—  
1 page
2. Location Map

 = TRACT NUMBER

**OWNERSHIP:**

1. JACKSON COUNTY MISSOURI  
415 E. 12TH STREET  
KANSAS CITY, MO. 64106
2. SEAN & MELINDA  
RT. 4, BOX 777  
BUTLER, MO. 64730
3. JARED & KATHLEEN HAMMONS  
1505 NE WALL STREET  
LEE'S SUMMIT, MO. 64086
4. TODD & REBECCA HENDRICKSON  
1507 NE WALL STREET  
LEE'S SUMMIT, MO. 64086
5. JOHN M. & JANET K. SCHULMEISTER  
1508 NE WALL STREET  
LEE'S SUMMIT, MO. 64086
6. JOSEPH M. SOKOLOWSKI  
2103 NE TODD GEORGE ROAD  
LEE'S SUMMIT, MO. 64086

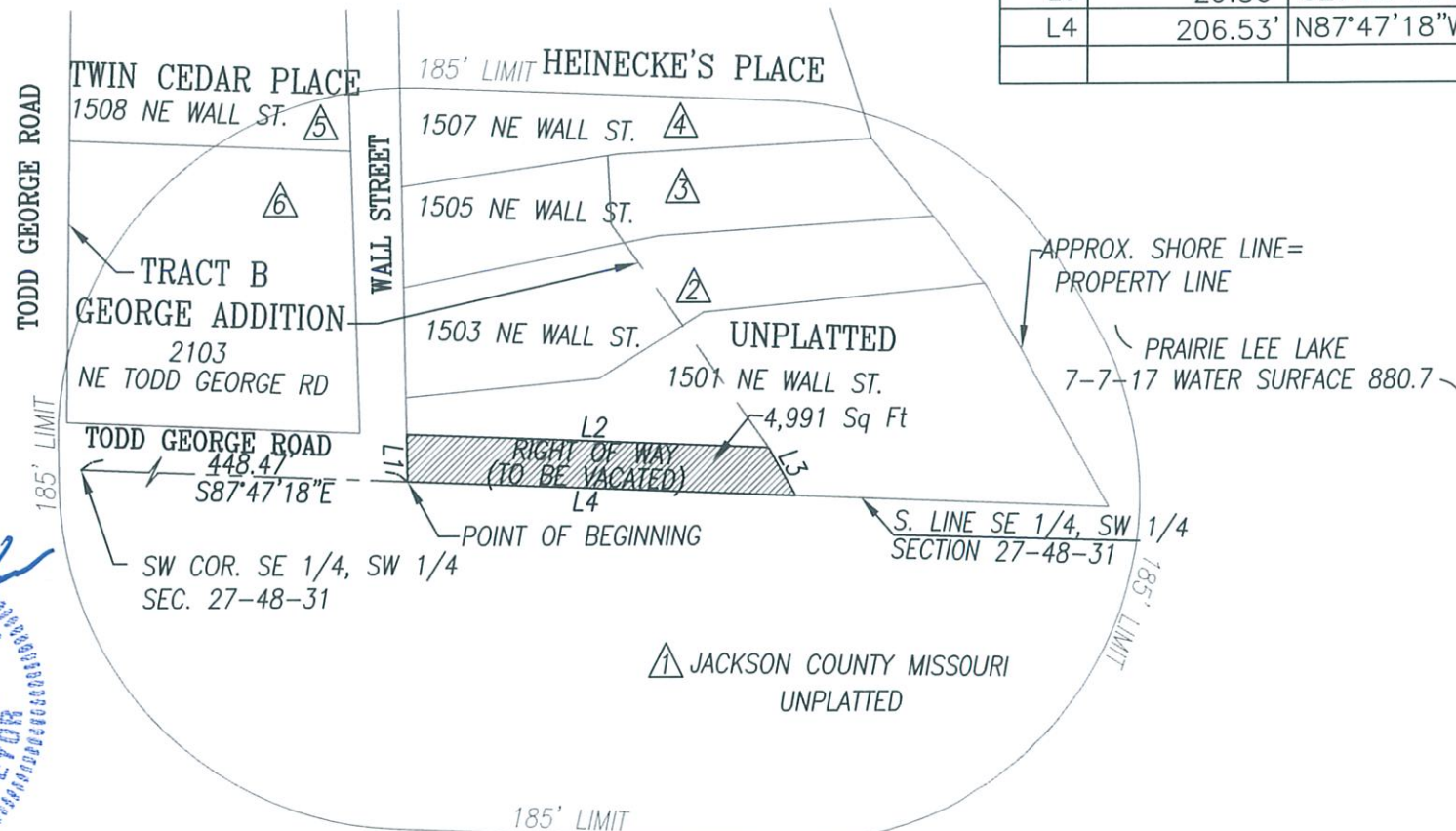
**VACATION DESCRIPTION:**

PART OF TRACT B, A PART OF LOTS 1 AND 2, GEORGE ADDITION, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, THE ENTIRE TRACT BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 48, RANGE 31; THENCE EAST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION, 448.47 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 14 MINUTES 33 SECONDS WEST (RECORD=NORTH 03 DEGREES 27 MINUTES 15 SECONDS WEST), 25.05 FEET; THENCE SOUTH 87 DEGREES 47 MINUTES 18 SECONDS EAST, 192.66 FEET; THENCE SOUTH 29 DEGREES 23 MINUTES 18 SECONDS EAST (RECORD=SOUTH 31 DEGREES 36 MINUTES EAST), 29.36 FEET TO A POINT ON THE SOUTH LINE OF SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 48, RANGE 31; THENCE NORTH 87 DEGREES 47 MINUTES 18 SECONDS WEST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION, 206.53 FEET TO THE POINT OF BEGINNING.



VACATION OF RIGHT-OF-WAY EXHIBIT  
A PART OF TRACT B, GEORGE ADDITION  
LEE'S SUMMIT, JACKSON COUNTY, MISSOURI

LINE TABLE		
LINE	LENGTH	BEARING
L1	25.05'	N01°14'33"W
L2	192.66'	S87°47'18"E
L3	29.36'	S29°23'18"E
L4	206.53'	N87°47'18"W



DATE: OCTOBER 27, 2017

CLIENT:

DARLA K. ANDERSON  
31000 E. WEBSTER  
GRAIN VALLEY, MISSOURI 64029  
PH.# 816-304-3983

VACATION OF RIGHT OF WAY EXHIBIT

BOUNDARY & CONSTRUCTION  
SURVEYING, INC.

821 NE COLUMBUS STREET SUITE 100, LEE'S SUMMIT, MO. 64063  
PH.# 816/554-9798, FAX # 816/554-0337

PROJECT NO. 17-181 RW

SHEET 1 OF 1

1501 NE WALL STREET, LEE'S SUMMIT, MO



**#PL2017-217 – VACATION OF RIGHT-OF-WAY –**  
**Portion of NE Todd George Rd located approx. 90 feet**  
**north of the intersection of NE Wall St and NE County Park Rd**  
**Darla Anderson, applicant**





## Packet Information

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**File #:** 2017-1498, **Version:** 1

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**Remanded PUBLIC HEARING - Appl. #PL2017-144 - PRELIMINARY DEVELOPMENT PLAN - Kessler Ridge at New Longview, 2<sup>nd</sup> Plat, Lots 56-87, Tracts E-G; Inspired Homes, LLC, applicant**

Issue/Request:

*A preliminary development plan application was filed with the City on June 30, 2017, proposing the second phase of Kessler Ridge at New Longview single-family residential subdivision. The application was considered by and subsequently recommended for approval by the Planning Commission on September 12, 2017. The application was remanded back to the Planning Commission by the City Council on October 5, 2017, at the applicant's request in order to redesign a portion of the project in response to staff comments.*

*The portion of the plan encompassing Lots 78-87 has been redesigned in order to accommodate the standard right-of-way street width of 50 feet for SW Merriam Court, rather than 30 feet as previously shown on the preliminary development plan. Other changes to Lots 78-87 include, but are not limited to, increased minimum setbacks for rear and front yards, house orientation (facing SW Merriam Ct), decreased square footage for common area, and the addition of sidewalk along SW Merriam Ct.*

### Commentary

The applicant proposes the second phase of *Kessler Ridge at New Longview*, a single-family residential development composed of 32 lots and 3 common area tracts on 11.55 acres zoned PMIX (Planned Mixed Use). A preliminary development plan was previously approved for the Kessler Ridge at New Longview development; however the approved plan did not include a portion of property located within the southwest corner of this site. This proposed plan includes the additional acreage and provides for 10 additional lots.

The north and east portions of the site are comprised of 22 lots and are a continuation of the lot sizes and standards established within *Kessler Ridge at New Longview, 1<sup>st</sup> Plat*. The southwest corner of the site offers approximately 10 lots that have significantly reduced lot widths more comparable to the "Traditional Neighborhood Design" product.

The proposed building setbacks and lot widths are similar to the standards for other single-family residential areas of New Longview. Architectural options include a variety of 1 and 2-story homes, varied design styles and building material options, supplemented with a rich traditional color palette.

- 32 lots and 3 common area tracts on 11.55 acres
- 2.77 units/acre, including common area; 2.99 units/acre, excluding common area

Recommendation: Staff recommends **APPROVAL** of the preliminary development plan, subject to the following:

1. Development shall be in accordance with the preliminary development plan date stamped November 1, 2017.
2. Development standards, including density, lot area, and setbacks, shall be as shown on the preliminary development plan date stamped November 1, 2017.
3. The approved architectural styles, building materials and colors, shall be as shown on the building elevations date stamped November 1, 2017.
4. For Lots 56-77 the front setbacks shall be a minimum of 20' and a maximum of 25'. Side setbacks shall be

a minimum of 5'; and 15' from a side street. Rear setbacks shall be a minimum of 25'.

5. For Lots 78-87 the front setback shall be 20' and a maximum of 25'. Side setbacks shall be a minimum of 5'; and 12' feet from a side street. Rear setbacks shall be a minimum of 25'.
6. Porches, cantilevers, roofs, roof overhangs and any and all building appurtenances may encroach a maximum of 8' into the front building setback.
7. The developer shall be responsible for construction of a white rail fence along SW Longview Road significantly similar to other areas along SW Longview Road throughout the exterior of the development.

Committee Recommendation: **PLANNING COMMISSION ACTION:** On motion of Mr. Funk and seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **Recommend APPROVAL** of **Remanded Appl. #PL2017-144 - PRELIMINARY DEVELOPMENT PLAN** - Kessler Ridge at New Longview, 2<sup>nd</sup> Plat, Lots 56-87 & Tracts E-G; Inspired Homes, Inc., applicant, subject to staff's letter dated December 8, 2017.

## LEE'S SUMMIT PLANNING COMMISSION

### Minutes of Tuesday, December 12, 2017

The Tuesday, December 12, 2017, Lee's Summit Planning Commission meeting was called to order by Chairperson Norbury at 5:00 p.m., at City Council Chambers, 220 SE Green Street, Lee's Summit, Missouri.

#### OPENING ROLL CALL:

Chairperson Jason Norbury	Present	Mr. Herman Watson	Absent
Mr. Donnie Funk, Vice Chair	Present	Mr. Beto Lopez	Present
Ms. Colene Roberts	Present	Ms. Carla Dial	Present
Mr. Don Gustafson	Present	Mr. Jeffrey Sims	Present
Ms. Dana Arth	Present		

Also present were Hector Soto, Planning Division Manager; Jennifer Thompson, Staff Planner; Nancy Yendes, Chief Counsel Infrastructure and Zoning; Kent Monter, Development Engineering Manager; Jim Eden, Assistant Fire Chief I, Fire Department; and Kim Brennan, Permit Technician.

#### 1. APPROVAL OF CONSENT AGENDA

- A. **Application #PL2017-238 -- FINAL PLAT** -- Siena at Longview, 4th Plat, lots 216A-218A, 224A and 320-328; Engineering Solutions, LLC, applicant
- B. **Minutes** of the November 28, 2017 Planning Commission meeting

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE** the Consent Agenda, Item 1A-B as published.

#### APPROVAL OF AGENDA:

Chairperson Norbury announced that Application #PL2017-223 had been added as agenda Item 2. He asked for a motion to approve the agenda as amended. On the motion of Mr. Funk, seconded by Mr. Lopez, the Planning Commission voted unanimously by voice vote to **APPROVE** the agenda as amended

#### PUBLIC COMMENTS

There were no public comments at the meeting.

- 2. **Application #PL2017-223 – SPECIAL USE PERMIT** to allow the keeping of therapy animals in the R-1 district; approximately 11 total acres inclusive of the properties addressed as 6 NW O'Brien Road, 100 NW O'Brien Road, 413 NW Donovan Road and 415 NW Donovan Road; Mark Farner, applicant

Chairperson Norbury opened the hearing at 5:06 p.m. and stated that this item had been added to the agenda, as notices had already gone out. Staff had requested that the hearing be continued to a date uncertain.

Ms. Roberts made a motion to continue Application PL2017-223 to a date uncertain, and Mr. Lopez seconded.

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

On the motion of Ms. Roberts, seconded by Mr. Lopez, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application PL2017-223 to a date uncertain.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

<p>3.     <b>Application #PL2017-144 -- PRELIMINARY DEVELOPMENT PLAN</b> -- Kessler Ridge at New Longview, 2nd Plat, Lots 56-87, Tracts E-G; Inspired Homes, applicant</p>
--

Chairperson Norbury opened the hearing at 5:08 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Ms. Shannon Buester of Olsson, gave her business address as 1301 Burlington in North Kansas City. The application was an amended development plan, and the had been before the Commission a few months ago. In the originally approved development plan, the applicants had not had a definite plan for the area around the historic homes on the east side of Longview Boulevard. The plan amendment showed an actual layout and a plan for that part. The Longview neighbors wanted to designate the corner at the Longview Boulevard roundabout as a TND type neighborhood, to match the neighborhood on the south side. In that one area, the houses on the cul-de-sac were designed to face away from the cul-de-sac and toward the open space to the north and the road to the south. That would give it a more traditional look. The Planning Commission had raised questions about the unusual orientation of garages facing the cul-de-sac, as well as City staff after the first hearing. As a result, the applicants had made further adjustments to the layout, orienting the houses to the cul-de-sac. This was the only change made to the plan.

Following Ms. Buester's presentation, Chairperson Norbury asked for staff comments.

Ms. Thompson entered Exhibit (A), list of exhibits 1-15 into the record. She related that the project was the second phase of a single-family residential subdivision, Kessler Ridge at New Longview. It was located at the northeast corner of Longview Boulevard and Longview Road, and had PMIX zoning. It was bordered by single-family subdivisions to the north, east and south. The project information was basically the same as the previous plan the Commission had seen last September: a single-family residential subdivision on 11.55 acres with 32 lots and three common areas. The revised plan showed building footprints that oriented the homes toward SW Merriam Court, replacing the previous orientation the other way. Ms. Thompson then displayed a table showing comparisons between the previous and current plan, with the right-of-way width increased and 5-foot sidewalks on both sides of the street in addition to the

changes in orientation. The homes now included detached garages and some of the design standard setbacks had been revised. Other slides displayed renderings of typical elevations.

Staff recommended approval subject to 7 Recommendation Items. The first three were the standard requirements for consistency with the November 1, 2017 preliminary development plan. Items 4, 5 and 6 established setbacks for the lots and Item 7 defined responsibility for construction of a white rail fence along SW Longview Road.

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

Mr. Scott Brio gave his address as 3168 SW Rock Ridge Drive, and added that he was present representing the Longview Alliance. They had kept in contact with the developer throughout the process. He commended the applicants for working with the neighbors and for keeping the green spaces behind some of the homes and the historical properties. The current concern was about the houses that would now be facing toward the cul-de-sac. They did not want a stockade of fences along the boulevard and had been assured that the white rail fence would be installed, as well as limiting other fences on the lots and providing heavy landscaping. Mr. Brio stated that the Alliance supported the plan.

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

Mr. Gustafson noted that staff's report mentioned sidewalks on both sides of Merriam Court; however, the drawing showed a sidewalk only on the south side. Ms. Thompson answered that the revised drawing showed them on both sides but staff had not received it yet. Staff's report also included a note that this change be made. Mr. Gustafson then observed that Longview Road was an arterial, and asked what the required sidewalk width was for that classification. Ms. Thompson replied that the overall standard was five feet. Mr. Monter added that it was six feet if it was adjacent to the curb, unless designated as a path; and in that case it would be ten feet. Mr. Gustafson asked if the Longview Road frontage was designated as a path. Ms. Thompson confirmed that it was shown as ten feet; but only on Longview Boulevard, not on Longview Road.

Ms. Roberts asked what was the plan for the historic properties, and what separation would be in place between them and the homes. Ms. Thompson cited the steps being taken. The development plan proposed to move and salvage the saddle horse manager's office, as part of the TIF plan. The other two historic structures would remain in place. Ms. Buester added that conversations were ongoing and the buildings would be used for something. No decisions had been made yet. Ms. Roberts asked about buffering for the adjacent homes, and Ms. Buester stated that initially they had showed a layout with the lot lines coming straight up to the edge of the property owned by Inspired. The neighbors had told the developers they wanted to see a buffer tract, which was Tract F.

Ms. Dial noted that it looked like a ten-foot sidewalk came down Longview Road from east to west, stopped at Red Buck, while a sidewalk came down Longview Boulevard from north to south. There appeared to be an area behind about five houses with no sidewalk. Mr. Monter provided a larger map, which showed a five-foot sidewalk on Longview Road.

Chairperson Norbury asked Ms. Buester if the applicants agreed with all seven of the Recommendation Items, and Ms. Buester replied that they did.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:22 p.m. and asked for discussion among the Commission members, or for a motion. He thanked the applicant and staff, remarking that this was a good example of input from the community, the Commission and the Council to find a workable plan.

Mr. Funk made a motion to recommend approval of Application PL2017-144, Preliminary Development Plan: Kessler Ridge at New Longview, 2nd Plat, Lots 56-87, Tracts E-G; Inspired Homes, applicant; subject to staff's letter of December 8, 2017, specifically Recommendation Items 1 through 7. Ms. Roberts seconded.

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

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2017-144, Preliminary Development Plan: Kessler Ridge at New Longview, 2nd Plat, Lots 56-87, Tracts E-G; Inspired Homes, applicant; subject to staff's letter of December 8, 2017, specifically Recommendation Items 1 through 7.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

4. <b>Continued Application #PL2017-203 -- REZONING</b> from AG to CP-2 and <b>PRELIMINARY DEVELOPMENT PLAN</b> -- approximately 4.3 acres abutting the property at 1850 NE US 40 Highway; IAC Life, applicant
--

Chairperson Norbury opened the hearing at 5:24 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Jim Harlan identified himself, owner and president of Individual Assurance Company [IAC]. He stated that the subject property had an inconsistency with zoning. About 82 percent of the total 18 acres was zoned CP-2 and the rest, along 40 Highway, was zoned AG. The application was to correct this error and rezone the whole property as CP-2. Much of the surrounding property was CP-2, and he wanted to work with an investor to develop the property. He had submitted concept plans for the property previously, including one that was denied due to infrastructure issues. He had also been asked to submit specific plans for the acreage to be rezoned.

Mr. Harlan emphasized that any plans would consist of offices, sufficient parking, adequate stormwater detention and utilities. A detailed plan would require a significant amount of funds, and the investor group did not want to act until the rezoning. The City had the authority to approve, disapprove or modify any plan submitted at a later date; and the correction to this past zoning error would not affect that. This was not a speculative land venture on the part of IAC, as they had owned the property for 13 years. The lack of consistent zoning had been unexpected, but IAC wanted to work with the investor to develop the land. They intended to



adopt a plan that would benefit the neighborhood, the city and the economy of the general area.. Timing, and the first quarter of 2018 in particular, was critical for the plan. He wanted to get additional investors; and a definite plan would be essential.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-13 into the record. He gave some background about the subject property and its zoning. On an aerial map, he pointed out a single-family subdivision immediately to the west. It was within the city of Independence, and had a stub street at the east end that extended into the subject property. A right-of-way had been established that separated the portion highlighted on the map from the portion with the existing building. In 1992, the property with the office building was rezoned to the current CP-2, in order to accommodate the building's development. The property being rezoned tonight was not included in that rezoning. The right-of-way was vacated in 2006.

Mr. Soto displayed the new concept plan, noting that it was not a scale drawing. The office building was 70 by 80 feet, for 5600 square feet; with 24 parking spaces. It would have a shared driveway with the existing office building to the east. While the plan was consistent with the comprehensive plan, it did not have enough detail for staff to determine whether it was feasible. This particular piece of land had significant changes in topography that might make the displayed configuration difficult to impossible. Mr. Soto qualified the statement, noting that a 70x80-foot building would not take up as much space as the drawing showed. He continued that the proposed sewer plan would be provided via a septic or aerobic system, and the development would access the existing water supply. Services to the site would be provided by the city of Independence, not Lee's Summit. Mr. Soto summarized that staff still recommended denial, on the basis of insufficient information to recommend otherwise.

Following Mr. Soto's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then asked if the Commission had questions for the applicant or staff.

Mr. Funk noted Mr. Harlan's remark about investors who were hesitant to go forward without the zoning change, as well as a reference to working with investors. He asked Mr. Harlan if he had investors at present or not. Mr. Harlan stated that he did have some investors, and some had previously invested in real estate. Mr. Funk pointed out that in that case, they would know that part of the cost of development would be the surveys and detailed plans a government entity would require. Mr. Harlan stated that they were more than willing to do that. This property had been owned by a single entity and the investors did understand what would be needed. He emphasized that the aim of this application tonight was to get the zoning consistent.

Mr. Lopez asked if the office building would be built on spec, or if it already had a future tenant. Mr. Harlan answered that it would be on spec, but they would do research before starting construction. Mr. Lopez then asked if Mr. Harlan had worked with any real estate brokerage services, which could provide some valuable information on the market. Mr. Harlan answered that they intended to do that, and the results would influence the approach when development started.

Ms. Arth that for her, the main issue was that it all seemed so ambiguous. So far the City had no real answers as to what the plans were for the property. She asked if there was any option

he had ruled out. Mr. Harlan answered that the zoning issue was the main reason for hesitation at present. Ms. Arth then asked if he had any certain type of office use; and Mr. Harlan answered that he was in the insurance business and had a business partner, and an investor, who was essentially the marketing operation. This partner's business was expanding, so that could be the first tenant.

Chairperson entered the applicant's December 12th letter into the record as exhibit 14. He asked if, on the basis of an overall conceptual plan, Mr. Harlan intended to develop the entire 18-acre lot. Mr. Harlan answered that he did, and wanted to have a consistent plan for it.

Mr. Sims asked if it was correct that the concept plan showed a 40-foot right-of-way that no longer existed. He also wanted to know if the property did have access to a water supply. Mr. Soto answered that the right-of-way did no longer exist, as of 2006. The concept plan included an old drawing of the location. Staff did not have any information as to where the water connection would be. Mr. Harlan clarified that the connection was at the east side of the property, and the existing building used water from that source including the emergency sprinkler system.

Mr. Gustafson asked what were the City's requirements for a conceptual development plan. Mr. Soto replied that it should include elevations of various proposed buildings showing general style and materials; basic engineering information regarding stormwater, sewers and water access; and a basic landscaping plan. It should communicate the "big picture" of the project.

Chairperson Norbury asked if staff knew of any earlier applications that granted a rezoning without a full plan in place. Mr. Soto did not recall any; and remarked that rezoning applications typically included the information he had just cited. New Longview had been rezoned in 1999-2000; and the conceptual plan had included street layout and basic information about utilities and architecture. However, more recently the Bayberry shopping center had CP2 zoning on the north half of the property and CP-1 on the south half. This had been corrected without a conceptual plan, as the center was already built out.

Mr. Harlan remarked that whatever he might plan for this piece of land, with the details Mr. Soto had mentioned, might not fit the entire property in terms of planning. The request had been to develop just the three acres but the long-range plan was to develop the rest of the lot.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:47 p.m. and asked for discussion among the Commission members.

Ms. Arth emphasized that it was difficult to evaluate a conceptual plan that did not make it clear what the applicant wanted to do. She understood that it was difficult to put that together for just part of the property; however, part of the Commission's function was to evaluate how the concepts lined up with what the City wanted to do. Their job was to vet proposals before they went to the Council; and just the outline of an office building and parking lot did not provide much to go on.

Chairperson Norbury suggested to the applicant that he develop a plan for the entire plot, and make that part of a future application along with the proposed rezoning. Both would be portions

of the same process; and that could considerably simplify the rezoning. This was something the Commission regularly did.

Ms. Roberts remarked that if the Council and City denied the application again, it was because they did not have enough information. If Mr. Harlan had plans to develop it and provided the information it was likely that the rezoning would happen.

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

Mr. Funk made a motion to recommend denial of continued Application PL2017-203, Rezoning from AG to CP-2 and Preliminary Development Plan: approximately 4.3 acres abutting the property at 1850 NE US 40 Highway; IAC Life, applicant; subject to staff's letter of December 8, 2017. Mr. Sims seconded.

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

On the motion of Mr. Funk, seconded by Mr. Sims, the Planning Commission members voted unanimously by voice vote to recommend **DENIAL** of continued Application PL2017-203, Rezoning from AG to CP-2 and Preliminary Development Plan: approximately 4.3 acres abutting the property at 1850 NE US 40 Highway; IAC Life, applicant; subject to staff's letter of December 8, 2017.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

<p>5. <b>Continued Application #PL2017-217 -- VACATION OF RIGHT-OF-WAY</b> -- a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall Street and NE County Park Road; Darla Anderson, applicant</p>
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Chairperson Norbury opened the hearing at 5:52 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Roger Bachus, of Boundary and Construction Survey, stated that he was the surveyor and was present representing Ms. Darla Anderson. This had begun as a minor plat, as she wanted to rebuild her house. She had been told that she needed a minor plat; since the original plat was done during the 1920s and the property had been unplatted for a long time. During this process they had discovered that this older plat had included a right-of-way that went to the east end. That included the front part of the property. After consulting with City staff, he was unable to find any evidence that the right-of-way had been vacated. There were no utilities in it.

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

Mr. Soto entered Exhibit (A), list of exhibits 1-12 into the record. He confirmed that this application was essentially a housekeeping problem. He displayed an aerial map with the property highlighted in yellow. The right-of-way was about 25 feet wide and 200 feet long. When George's Addition was platted in 1937, it was in an unincorporated part of Jackson County; and was annexed in 1964. In the interim the existing home had been built, in 1953.

The initial plat showed it extending to the present-day lake, though it was not clear what the intent was. He pointed out the boundaries of the property itself, which abutted the shore of the lake. It would have to be vacated before the City could approve the minor plat and Ms. Anderson could proceed with the project.

Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. As there were none, he then asked if the Commission had questions for the applicant or staff.

Mr. Gustafson noted another section of the right-of-way that went through other nearby properties, and asked if the entire stretch would be vacated. Mr. Bachus stated that while the map showed the rest of the right-of-way, there was no road. The rest of the right-of-way was not on the applicant's property, so it was not part of the application.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:02 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Funk made a motion to recommend approval of continued Application PL2017-217, Vacation Of Right-Of-Way: a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall Street and NE County Park Road; Darla Anderson, applicant; subject to staff's letter of December 8, 2017. Ms. Roberts seconded.

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

On the motion of Mr. Funk, seconded by Ms. Roberts, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of continued Application PL2017-217, Vacation Of Right-Of-Way: a portion of NE Todd George Road located approximately 90 feet north of the intersection of NE Wall Street and NE County Park Road; Darla Anderson, applicant; subject to staff's letter of December 8, 2017.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

## **ROUNDTABLE**

Mr. Funk announced that Ms. Brennan, who was present, had been awarded the Development Services Employee of the Year this week.

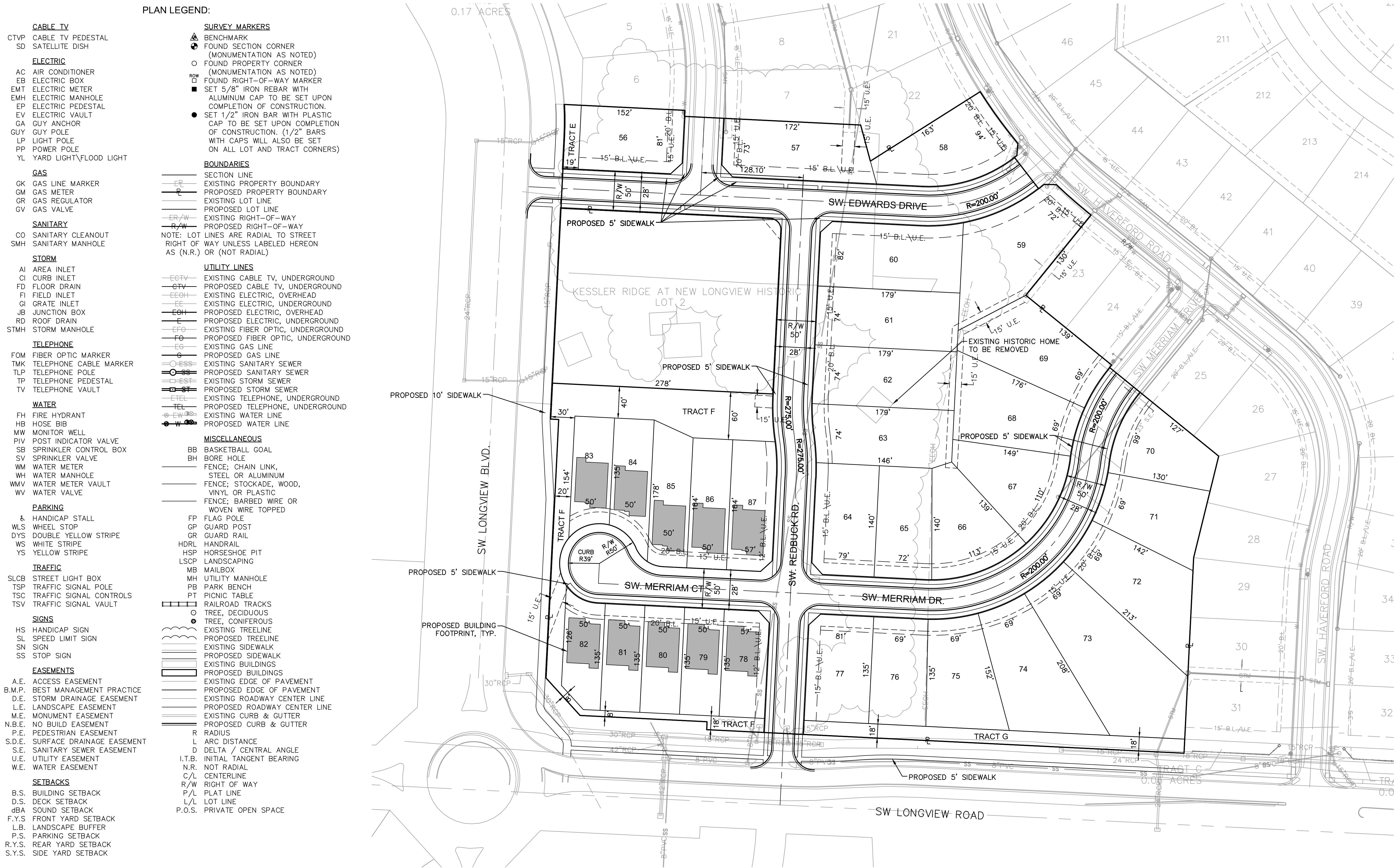
Mr. Soto reminded the Commission that the next Planning Commission meeting would be January 9, 2018.

## **ADJOURNMENT**

There being no further business, Chairperson Norbury adjourned the meeting at 6:03 p.m.

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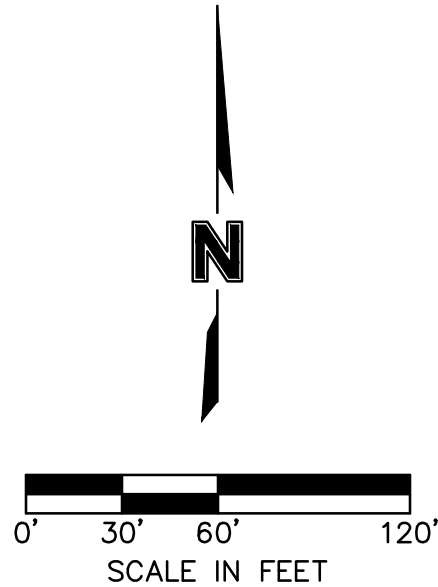


NOTES:

1. BUILDING SETBACKS:  
LOTS 56-77: 20' MIN., 25' MAX. FRONT S.B.; 5' SIDE S.B.; 25' REAR S.B.; CORNER LOTS: 15' SIDE S.B.  
LOTS 78-87: 20' MIN., 25' MAX. FRONT S.B.; 5' SIDE S.B.; 25' REAR S.B.; CORNER LOTS: 12' SIDE S.B.  
-- PORCHES, CANTILEVERS, ROOFS, ROOF OVERHANGS, AND ANY AND ALL BUILDING APPURTENANCES MAY ENCROACH A MAXIMUM OF 8' INTO THE FRONT BUILDING SETBACK.  
SCREENING SHALL BE PROVIDED WITHIN TRACT F BETWEEN PUBLIC ALLEY R/W AND SW LONGVIEW BOULEVARD R/W IN THE FORM OF A LANDSCAPE BUFFER OR FENCE.
2. WALKWAY TRACT F SHALL BE INSTALLED SIMILAR IN CHARACTER TO EXISTING FENCES ALONG SW LONGVIEW ROAD.
3. ALL DEDICATED COMMON AREA SHALL BE OWNED AND MAINTAINED IN ACCORDANCE WITH ARTICLE 5 OF THE LEE'S SUMMIT UDO. DURING THE PERIOD IN WHICH THE DEVELOPER MAINTAINS EFFECTIVE CONTROL OF THE BOARD OF CONDOMINIUM OR PROPERTY OWNERS' ASSOCIATION, OR OTHER ENTITY APPROVED BY THE GOVERNING BODY, THE DEVELOPER SHALL REMAIN JOINTLY AND SEVERALLY LIABLE FOR THE MAINTENANCE OBLIGATIONS OF THE CONDOMINIUM OR PROPERTY OWNERS' ASSOCIATION.
5. DEVELOPER IS RESPONSIBLE FOR INSTALLING ALL SIDEWALKS ADJACENT TO TRACTS E, F, AND G AT THE TIME OF INSTALLATION OF PUBLIC INFRASTRUCTURE.

DEVELOPMENT DATA										
LAND USE	GROSS ACRES	STREET R/W (ac.)	OPEN SPACE (ac.)	DETENTION (ac.)	NET ACRES	UNITS	DU/AC. (NET)	DU/AC. (INCL. COMMON AREAS)	COMMENCE DATE	COMPLETION DATE
SINGLE FAMILY	11.55	2.55	0.76	0	8.24	32	3.88	3.56	2017	2019
LOT AND TRACT AREAS	LOT NUMBER	56	57	58	59	60	61	62	63	64
	AREA (SQ. FT.)	10,409	13,313	12,817	16,427	14,694	13,244	13,244	12,817	10,962

LOT AND TRACT AREAS	LOT NUMBER	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	TRACT E	TRACT F	TRACT G
	AREA (SQ. FT.)	10,409	13,313	12,817	16,427	14,694	13,244	13,244	12,817	13,642	9,727	10,951	11,012	13,760	14,018	10,145	10,889	15,232	22,999	15,651	11,774	9,455	10,816	7,585	6,726	6,726	6,726	6,555	6,926	7,616	8,653	8,188	9,180	1,578	2,290	8,497





# **LEE'S SUMMIT** MISSOURI

## SINGLE FAMILY RESIDENTIAL COMPATIBILITY

	Name of Plat Kessler Ridge at New Longview 2nd	Adjacent Plat # 1 Kessler Ridge at New Longview 1st	Adjacent Plat # 2	Adjacent Plat # 3
Street Separation between the proposed development and the adjacent development	X	None (adjacent)		
Lots/Acreage	$\frac{32}{11.55}$ Lots on acres	55 Lots 20.74 acres		
Density	$\frac{2.77}{}$ Units per acre	2.65 DU/ac.		
Restrictions on types of fencing, parking of specific vehicles, dog runs and outbuildings	Per CCRs at time of Final Plat	Per CCRs		
Similarity of architectural style and character of including front elevations, exterior materials and roof pitch	X	Similar colors, materials, character		
Classification and mixture of building types, including ranch, raised-ranch, split-level, multi-level, earth contact and two- story structures	Ranch, Two-Story	Ranch, Two-Story		

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# LEE'S SUMMIT MISSOURI

## SINGLE FAMILY RESIDENTIAL COMPATIBILITY

	Name of Plat	Adjacent Plat # 1	Adjacent Plat # 2	Adjacent Plat # 3
Green space or common area, including areas, structures and amenities for the exclusive use and maintenance of homeowners of a subdivision.	1.00 ac. Private Open Space	4.53 ac. Private Open Space & Detention		
Streetscape, include distinctive and aesthetic features of special street signage, street lighting fixtures, street trees, and other landscaping.	Street Trees and Street Lights to be proposed	Street Trees and Street Lights		
Lot Width	Range: <u>50</u> to <u>81</u> feet; Average: <u>70</u> ft.	61'-83' 70' avg.		RECEIVED AUG - 1 2017 Development Services
Lot Area	Range: <u>6119</u> to <u>22,999</u> square feet; Average: <u>10,000</u> sq. ft.	8450-14,283 SF 10,000 avg.		- 2017 - 144
Lot Depth	Range: <u>130</u> to <u>179</u> feet; Average: <u>150</u> ft.	130'-193' 140' avg.		

# **LEE'S SUMMIT** MISSOURI

## SINGLE FAMILY RESIDENTIAL COMPATIBILITY

	Name of Plat	Adjacent Plat # 1	Adjacent Plat # 2	Adjacent Plat # 3
Setbacks	Setbacks: 20' front, 4'-30' rear, 5'-7.5' sides	20' Front 25' Rear 5' Sides		
Square footage of homes measured by total finished floor area	Unknown	Unknown		
Minimum Floor Area	Unknown	Unknown		
Entrance Monumentation	None	Onsite		
Street and Lot Layout Configuration	TND & Suburban Traditional	Suburban Traditional		

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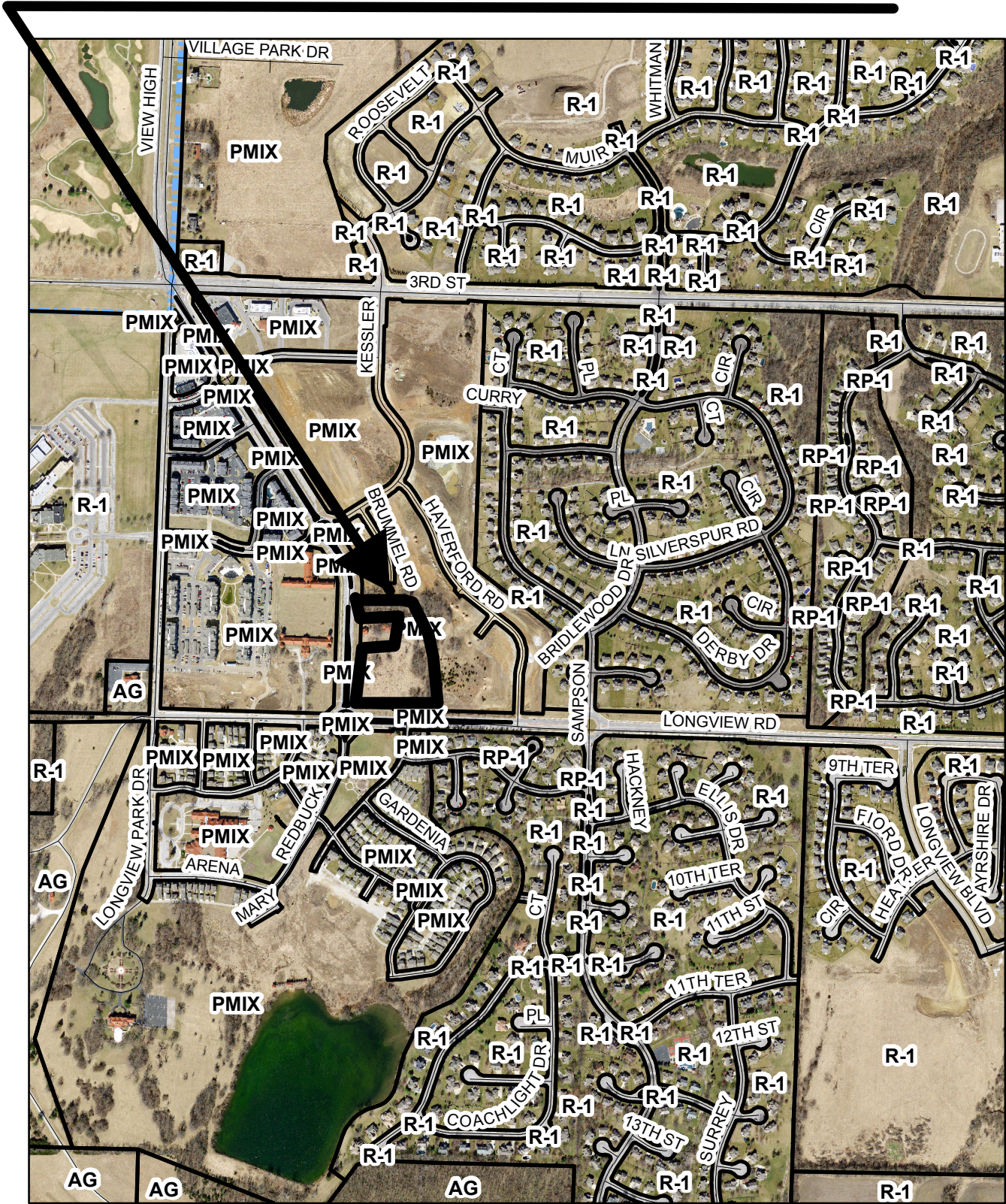
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Development Services

REVISED FEBRUARY 2014



PL#2017-144- PRELIMINARY DEVELOPMENT PLAN  
KESSLER RIDGE AT NEW LONGVIEW, 2ND PLAT  
INSPIRED HOMES, INC, APPLICANT





# City of Lee's Summit

## Development Services Department

December 8, 2017

TO: Planning Commission

PREPARED BY: Jennifer Thompson, Planner

CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services

RE: **Remanded PUBLIC HEARING – Appl. #PL2017-144 – PRELIMINARY DEVELOPMENT PLAN – Kessler Ridge at New Longview, 2<sup>nd</sup> Plat, Lots 56-87, Tracts E-G; Inspired Homes, LLC, applicant**

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*A preliminary development plan application was filed with the City on June 30, 2017, proposing the second phase of Kessler Ridge at New Longview single-family residential subdivision. The application was considered by and subsequently recommended for approval by the Planning Commission on September 12, 2017. The application was remanded back to the Planning Commission by the City Council on October 5, 2017, at the applicant's request in order to redesign a portion of the project in response to staff comments.*

*The portion of the plan encompassing Lots 78-87 has been redesigned in order to accommodate the standard right-of-way street width of 50 feet for SW Merriam Court, rather than 30 feet as previously shown on the preliminary development plan. Other changes to Lots 78-87 include, but are not limited to, increased minimum setbacks for rear and front yards, house orientation (facing SW Merriam Ct), decreased square footage for common area, and the addition of sidewalk along SW Merriam Ct.*

### Commentary

The applicant proposes the second phase of *Kessler Ridge at New Longview*, a single-family residential development composed of 32 lots and 3 common area tracts on 11.55 acres zoned PMIX (Planned Mixed Use). A preliminary development plan was previously approved for the Kessler Ridge at New Longview development; however the approved plan did not include a portion of property located within the southwest corner of this site. This proposed plan includes the additional acreage and provides for 10 additional lots.

The north and east portions of the site are comprised of 22 lots and are a continuation of the lot sizes and standards established within *Kessler Ridge at New Longview, 1<sup>st</sup> Plat*. The southwest corner of the site offers approximately 10 lots that have significantly reduced lot widths more comparable to the "Traditional Neighborhood Design" product.

The proposed building setbacks and lot widths are similar to the standards for other single-family residential areas of New Longview. Architectural options include a variety of 1 and 2-story homes, varied design styles and building material options, supplemented with a rich traditional color palette.

- 32 lots and 3 common area tracts on 11.55 acres
- 2.77 units/acre, including common area; 2.99 units/acre, excluding common area

### Recommendation

Staff recommends **APPROVAL** of the preliminary development plan, subject to the following:

1. Development shall be in accordance with the preliminary development plan date stamped November 1, 2017.

2. Development standards, including density, lot area, and setbacks, shall be as shown on the preliminary development plan date stamped November 1, 2017.
3. The approved architectural styles, building materials and colors, shall be as shown on the building elevations date stamped November 1, 2017.
4. For Lots 56-77 the front setbacks shall be a minimum of 20' and a maximum of 25'. Side setbacks shall be a minimum of 5'; and 15' from a side street. Rear setbacks shall be a minimum of 25'.
5. For Lots 78-87 the front setback shall be 20' and a maximum of 25'. Side setbacks shall be a minimum of 5'; and 12' feet from a side street. Rear setbacks shall be a minimum of 25'.
6. Porches, cantilevers, roofs, roof overhangs and any and all building appurtenances may encroach a maximum of 8' into the front building setback.
7. The developer shall be responsible for construction of a white rail fence along SW Longview Road significantly similar to other areas along SW Longview Road throughout the exterior of the development.

## **Zoning and Land Use Information**

**Location:** NE corner of Longview Blvd and Longview Rd.

**Current Zoning:** PMIX (Planned Mixed-Use District)

**Surrounding zoning and use:**

**North:** PMIX (Planned Mixed-Use District)—*Kessler Ridge at New Longview* (single family residential subdivision)

**South (across SW Longview Road):** PMIX (Planned Mixed Use District)—Pergola Park and Madison Park (single family residential subdivisions), and subdivision pool; RP-1 (Planned Single-Family Residential District)—Longview Farm Villas (single family residential subdivision)

**East:** PMIX – (Planned Mixed Use District)—*Kessler Ridge at New Longview* (single family residential subdivision)

**West (across SW Longview Road):** PMIX—Longview Farm dairy barns and Residences at New Longview (apartment development)

**Site Characteristics.** The subject 11.55 acres is a mostly undeveloped area. Three vacant historic homes that served the original Longview Farm are located on a portion of the property.

**Description and Character of Surrounding Area.** The subject property is located at the northeast corner of SW Longview Blvd and SW Longview Rd. The areas to the east and south are developed as single-family residential. The area south of SW Longview Rd is developed in the style of Traditional Neighborhood Design. The area to the east is developed in the style of conventional single-family residential. The area to the west is site to the historic barns that served the original Longview Farm.

## **Project Information**

**Current Use:** undeveloped property with three vacant historic homes

**Proposed Use:** single-family residential

**Land Area:** 11.55 acres

**Number of Lots:** 32 lots and 3 common area tracts

**Density:** 2.77 units/acre, including common area; 2.99 units/acre excluding common area

## Public Notification

**Neighborhood meeting conducted:** n/a

**Newspaper notification published:** November 25, 2017

**Radius notices mailed to properties within 185 feet:** November 21, 2017

## Process

**Procedure:** The Planning Commission makes a recommendation to the City Council on the proposed preliminary development plan. The City Council takes final action on the preliminary development plan application.

**Duration of Validity:** Preliminary development plan approval by the City Council shall not be valid for a period longer than twenty-four (24) months from the date of such approval, unless within such period a final development plan application is submitted. The City Council may grant one extension not exceeding twelve (12) months upon written request. In this case, there is no proposed development plan, but rather a plan that reflects the property's existing undeveloped condition.

## Unified Development Ordinance

Applicable Section(s)	Description
4.300, 4.310, 4.320	Preliminary Development Plan
5.010	Zoning Districts

## Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
Overall Area Land Use	Objective 1.1 Objective 1.2 Objective 1.3 Objective 1.4
Residential Development	Objective 3.1 Objective 3.2 Objective 3.3

## Background

- October 3, 2002 – The City Council approved the rezoning (Appl. #2002-031) from AG, RP-1, RP-2, RP-3 and CP-2 to PMIX and the Conceptual Plan (Appl. #2002-032) for New Longview by Ordinance No. 5407.
- October 3, 2002 – The City Council approved the New Longview Preliminary Development Plan for the Arterial Traffic Network (Appl. #2002-081) by Ordinance No. 5408.



- September 25, 2014 – The City Council approved a partial waiver of the TIF Contract between the City of Lee’s Summit and M-III Longview, LLC, authorizing the development of an additional 55 single-family housing units in the New Longview Farm area by Ordinance No. 7522. The waiver covers Phase 1 of the subject proposed development.
- March 5, 2015 – The City Council approved a preliminary development plan (Appl. #PL2014-158) for Kessler Ridge at New Longview, located at the northeast corner of SW Longview Blvd. and SW Longview Rd, by Ordinance No. 7598.
- November 17, 2016 – The City Council approved the final plat (Appl. #PL2015-051) for *Kessler Ridge, 1<sup>st</sup> Plat, Lots 1-55 & Tracts A-D*, by Ordinance No. 8016.
- September 12, 2017 – The Planning Commission recommended approval of preliminary development plan (Appl. #PL2017-144) for Kessler Ridge at New Longview 2<sup>nd</sup> Plat, Lots 56-87 & Tracts E-G.
- October 5, 2017 – The City Council remanded preliminary development plan (Appl. #PL2017-144) for Kessler Ridge at New Longview 2<sup>nd</sup> Plat, Lots 56-87 & Tracts E-G, back to Planning Commission, at the applicant's request in order to redesign a portion of the project in response to staff comments.

## Analysis of the Preliminary Development Plan

**Redesign.** The application was remanded back to the Planning Commission by the City Council on October 5, 2017, at the applicant's request in order to redesign a portion of the project in response to staff comments.

The portion of the plan encompassing Lots 78-87 has been redesigned in order to accommodate the standard right-of-way street width of 50 feet for SW Merriam Court, rather than 30 feet as previously shown on the preliminary development plan. Increasing the right-of-way width has necessitated revisions to a few of the design standards for Lots 78-87. See below for a list of comparisons between the previous plan and the current plan.

	Previous plan for Lots 78-87	Current plan for Lots 78-87
<b>Number of Lots</b>	10	10
<b>Right-of-way width (SW Merriam Ct)</b>	30 feet	50 feet
<b>Sidewalks (SW Merriam Ct)</b>	No sidewalks	5-foot sidewalks on both sides of street
<b>House Orientation</b>	Fronted <u>away from</u> SW Merriam Ct.	Fronted <u>along</u> SW Merriam Ct.
<b>Garages</b>	Detached garages	Attached garages
<b>Setbacks</b>	20' min.—front yard 5'—side yard 3'—rear yard 12'—side yard (street side)	20' min.; 25' max—front yard 5'—side yard 25'—rear yard 12'—side yard (street side)
<b>Common Area</b>	43,795 total sq. ft.	32,983 total sq. ft.

**Kessler Ridge at New Longview.** The proposal is for the second phase of *Kessler Ridge at New Longview*, a single-family residential development composed of 32 lots and 3 common area tracts on 11.55 acres zoned PMIX (Planned Mixed Use). A preliminary development plan was previously approved for the Kessler Ridge at New Longview development; however the approved plan did not include a portion of property located within the southwest corner of this site. This proposed plan includes the additional acreage and provides for 10 additional lots with significantly reduced lot widths.

The proposed plan will accommodate new residents that can make use of existing and proposed public infrastructure while benefiting from existing services such as schools, parks, and other amenities within the New Longview community. The development also provides continued connections within the existing *Kessler Ridge at New Longview* subdivision to the north and east, along with additional access points to SW Longview Road and SW Longview Blvd.

Staff finds the proposed 32-lot single family development to be compatible with adjacent land uses and appropriate for the site. The subject property is bordered by Kessler Ridge subdivision to the north and east, existing single-family subdivisions to the south and vacant ground/Longview Dairy Barns to the west.

**Development Standards.** The existing PMIX zoning district allows for greater flexibility in development standards (e.g. lot coverage, setbacks, lot sizes, etc.) in order to facilitate adaptation of development to the unique characteristics of a site. The PMIX district also allows for more flexible placement, arrangement and orientation of residential structures. The applicant has proposed standards differing from the typical single family residential zoning district (R-1), but which are consistent with the standards for existing single-family areas of New Longview. The standards will be approved as part of the preliminary development plan. The development standards accommodate development of smaller lots. The proposed design standards include:

- Front, rear, and side yard setbacks that are below the minimum requirements for the R-1 zoning district.
- Architectural home styles, building materials, and colors which are compatible and comparable with the existing New Longview “Traditional Neighborhood Design” residential areas.
- Home characteristics that include front porches and/or stoops and a variety of styles such as: 1 and 2-story Craftsman, French Country, Prairie, and Mediterranean building types.
- Development that incorporates sidewalks on both sides of all streets to encourage the walkability of the neighborhood.

Development standards, including density, lot area, and setbacks shall be as shown on the plan. The table below compares the proposed development standards for Kessler Ridge at New Longview, 2<sup>nd</sup> Plat with the R-1 District standards as outlined in the Unified Development Ordinance.

	<b>Proposed Kessler Ridge at New Longview, 2<sup>nd</sup> Plat in PMIX Lots 56-77</b>	<b>Proposed Kessler Ridge at New Longview, 2<sup>nd</sup> Plat in PMIX Lots 78-87</b>	<b>R-1 District Standards</b>
<b>Density</b>	2.77 total units/acre 32 total units on 11.55 acres		4 units/acre maximum
<b>Lot Size</b>	9,727 sq. ft. (minimum)	6,119 sq. ft. (minimum)	8,400 sq. ft. minimum
<b>Lot Width</b>	69'—minimum	50' (minimum)	70'—minimum
<b>Building Setbacks</b>	20' min.; 25' max.—front yard 5'—side yard 25'—rear yard 15'—side yard (street side)	20' min.; 25' max.—front yard 5'—side yard 25'—rear yard 12'—side yard (street side)	Minimum standards 30'—front yard 7.5'—side yard 30'—rear yard

The proposed subdivision provides a combination of lot styles. Lots fronting on SW Merriam Ct. are similar to the “Traditional Neighborhood Design” (TND) as originally envisioned for this phase of the New Longview Conceptual Plan and a continuation of the *Kessler Ridge at New Longview* subdivision. The Merriam Ct. lots are front loaded, but are narrower and will have setbacks similar to the alley loaded house already constructed. The proposed plan provides an appropriate transition from the standard R-1 subdivision to the east (Bridlewood) and the TND neighborhoods to the south (New Longview). Staff finds the proposed development standards to be appropriate given the nature of New Longview being modeled as a traditional neighborhood development. Among the characteristics of traditional neighborhood developments that are reflected in the proposed development standards are higher densities (than typically seen in R-1 subdivisions) and reduced building setbacks. Higher densities allow for a more efficient use of land and infrastructure by encouraging development that is more compact than conventional neighborhood development. Reduced building setbacks provide a defined street wall that encourages walk-ability by creating a more inviting pedestrian zone.

**Existing Historic Structure (Saddle Horse Manager’s Office).** The development plan proposes to remove and salvage the historic Saddle Horse Manager's office. The removal of the structure was approved as part of the New Longview TIF plan and was also previously proposed and discussed in the Kessler Ridge at New Longview preliminary development plan.

### **Code and Ordinance Requirements**

*The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the plan into compliance with the Codes and Ordinances of the City.*

**Engineering**

1. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, streets and erosion and sediment control shall be submitted along with the final plat and approved prior to the approval of the final plat. All public infrastructure must be substantially complete, prior to the issuance of any building permits.
2. A Master Drainage Plan (MDP) shall be submitted and approved in accordance with the City's Design and Construction Manual for all areas of the development, including all surrounding impacted areas, along with the engineering plans for the development. The MDP shall address drainage level of service issues on an individual lot basis.
3. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance).
4. All subdivision-related public improvements must have a Certificate of Final Acceptance prior to approval of the final plat, unless security is provided in the manner set forth in the City's Unified Development Ordinance (UDO) Section 16.340. If security is provided, building permits may be issued upon issuance of a Certificate of Substantial Completion of the public infrastructure as outlined in Section 1000 of the City's Design and Construction Manual.
5. The As-graded Master Drainage Plan shall be submitted to and accepted by the City prior to the issuance of a certificate of substantial completion and the issuance of any building permits for the development.
6. A Land Disturbance Permit shall be obtained from the City if ground breaking will take place prior to the issuance of infrastructure permit or prior to the approval of the final plat/engineering plans.
7. Any cut and / or fill operations, which cause public infrastructure to exceed the maximum / minimum depths of cover shall be mitigated by relocating the infrastructure vertically and / or horizontally to meet the specifications contained within the City's Design and Construction Manual.

**Fire**

8. All issues pertaining to life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to the safety to fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.
9. Homes located on Lots 78-87 shall face SW Merriam Court.

**Planning**

10. A final plat shall be approved and recorded (with the necessary copies returned to Development Services Department) prior to any building permits being issued.
11. No final plat shall be recorded by the developer until the Director of Special Projects and the City Attorney have reviewed and approved the declaration of covenants and restrictions pertaining to common property as prepared in accordance with Section 5.520 of the UDO, and until the Director has received certification from the Missouri Secretary of State verifying the existence and good standing of the property owners' association required by Section 5.510 of the UDO. In addition, the approved Declaration of Covenants, Conditions and Restrictions shall be recorded prior to the recording of the final plat.

12. Sidewalks shall be located on both sides of SW Merriam Court.
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Attachments:

1. Transportation Impact Analysis prepared by City Traffic Engineer, dated November 30, 2017—2 pages
2. Preliminary Development Plan (7 pages), consisting of:
  - Cover sheet, date stamped November 1, 2017
  - Existing Conditions, date stamped November 1, 2017
  - Site Plan, date stamped November 1, 2017
  - Grading Plan and Utilities Plan, date stamped November 1, 2017
  - Site Plan-building footprints, date stamped November 1, 2017
  - Building elevations-Lots 56-77, date stamped November 1, 2017—7 pages
3. Single Family Residential Compatibility Form completed by the applicant—3 pages
4. Location Map



# LEE'S SUMMIT MISSOURI

## DEVELOPMENT REVIEW FORM TRANSPORTATION IMPACT

DATE: November 30, 2017 CONDUCTED BY: Michael K Park, PE, PTOE  
SUBMITTAL DATE: November 1, 2017 PHONE: 816.969.1800  
APPLICATION #: PL2017144 EMAIL: Michael.Park@cityofls.net  
PROJECT NAME: KESSLER RIDGE, 2<sup>ND</sup> PLAT PROJECT TYPE: Prel Dev Plan (PDP)

### SURROUNDING ENVIRONMENT (Streets, Developments)

The proposed residential development is located at the northeast corner of Longview Boulevard and Longview Road. The surrounding area includes undeveloped planned mixed use property to the west and north as well as single family subdivisions to the east and south.

### ALLOWABLE ACCESS

The proposed development will be accessed along several proposed public local residential streets that intersect a network of other public streets within the Kessler Ridge subdivision. The aforementioned Kessler Ridge residential streets connect with Longview Road to the south, Longview Boulevard to the west and 3<sup>rd</sup> Street to the north via Kessler Drive. There are no changes to access along Longview Road, Longview Boulevard, Kessler Drive, 3<sup>rd</sup> Street or other existing neighborhood streets. The proposed streets should have adequate sight distance and are spaced in accordance with the Access Management Code.

### EXISTING STREET CHARACTERISTICS (Lanes, Speed limits, Sight Distance, Medians)

Longview Road and Longview Boulevard are four-lane, median divided, major arterial roadways bordering the proposed development. Both roadways have a 35 mph speed limit in this area. The intersection of Longview Road and Longview Boulevard is a multi-lane roundabout. The streets directly serving this proposed development are typical two lane, undivided, residential streets with a 25 mph speed limit.

ACCESS MANAGEMENT CODE COMPLIANCE? YES ☒ NO ☐

The proposed street is compliant with the AMC.

### TRIP GENERATION

Time Period	Total	In	Out
Weekday	368	184	184
A.M. Peak Hour	32	8	24
P.M. Peak Hour	38	24	14

The trip generation tabulated above represents all 32 single family lots in the proposed preliminary plat and preliminary development plan. However, all but 10 of these lots were previously considered in the Kessler Ridge PDP that did not cover the entire preliminary plat application. The Kessler Ridge PDP may be referenced for additional related information.



TRANSPORTATION IMPACT STUDY REQUIRED?

YES ☐

No ☒

The proposed development will not likely generate more than 100 vehicle trips to the surrounding street system during any given peak hour. Furthermore, a significant portion of the proposed preliminary plat was reviewed with the approved Kessler Ridge PDP. The surrounding street system was planned and constructed to adequately accommodate the projected traffic impact of this development.

LIVABLE STREETS (Resolution 10-17)

COMPLIANT ☒

EXCEPTIONS ☐

The proposed development plan includes all Livable Streets elements identified in the City's adopted Comprehensive Plan, associated Greenway Master Plan and Bicycle Transportation Plan attachments, and elements otherwise required by ordinances and standards. No exceptions to the Livable Streets Policy adopted by Resolution 10-17 have been proposed.

RECOMMENDATION:

APPROVAL ☒

DENIAL ☐

N/A ☐

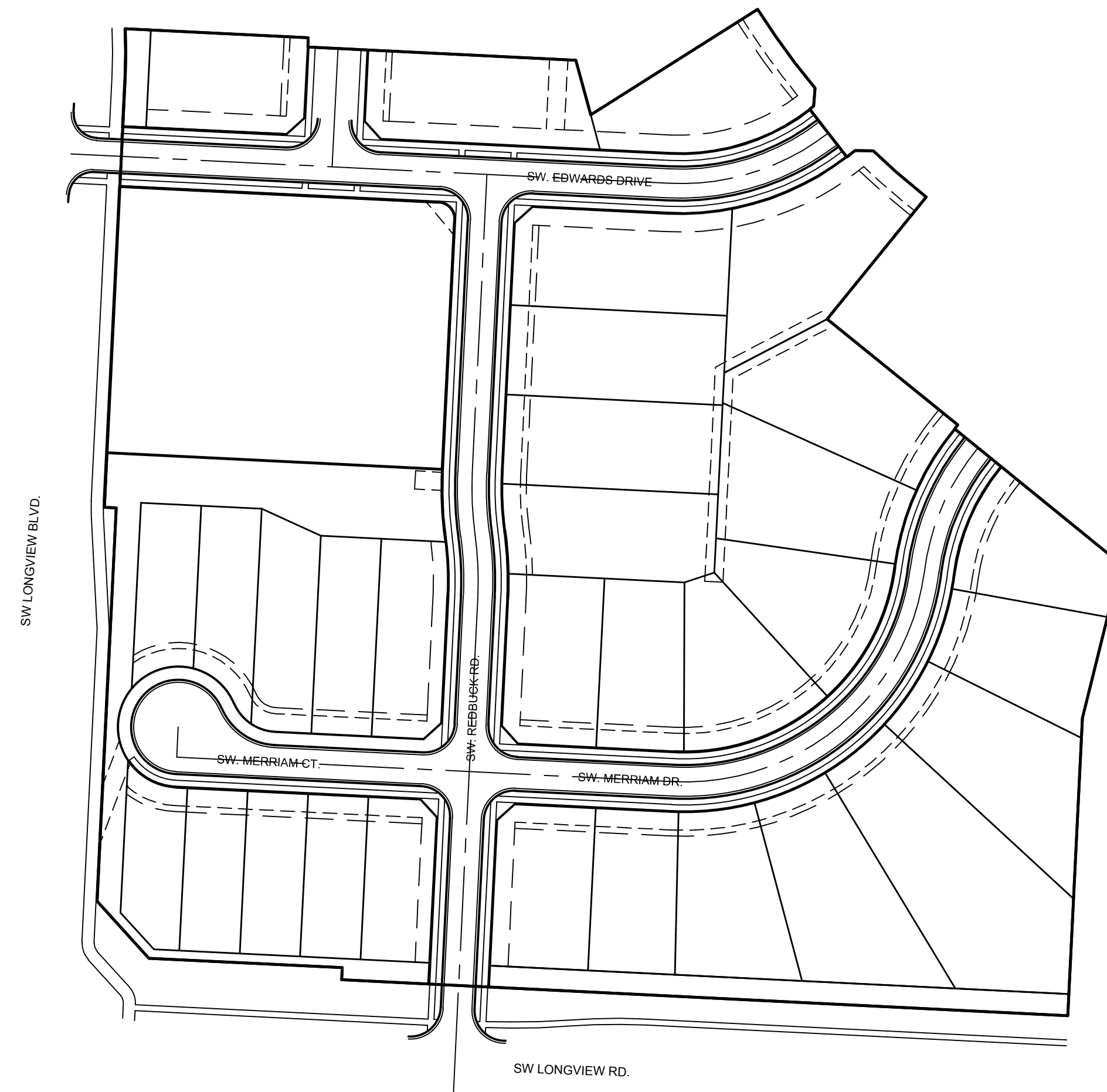
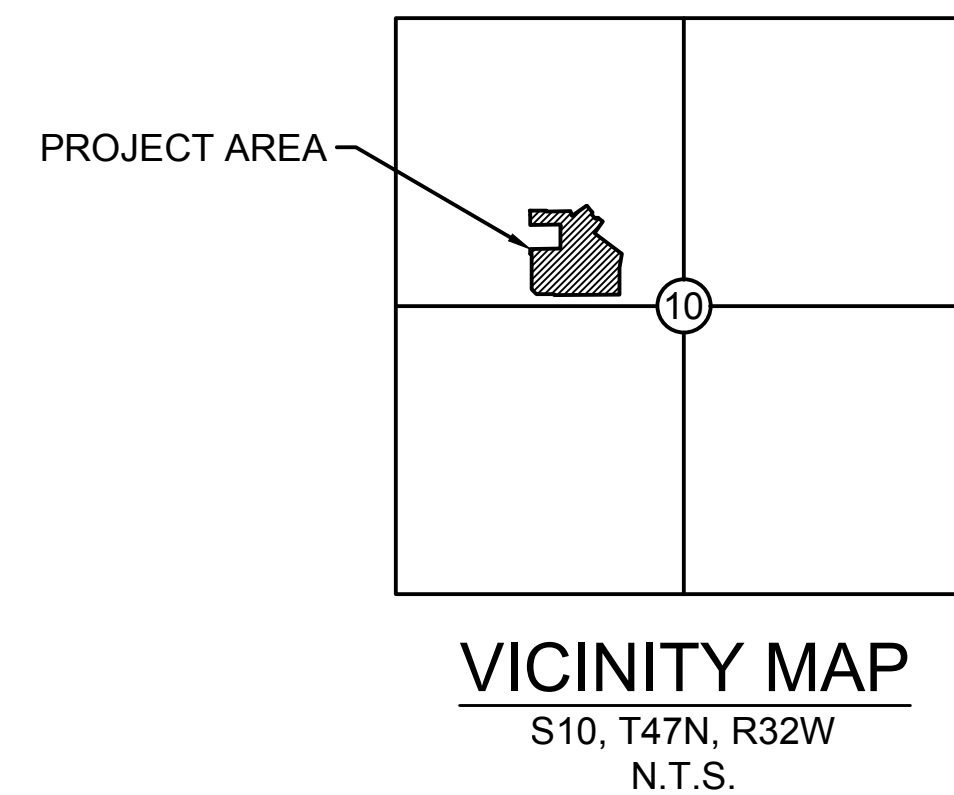
STIPULATIONS ☐

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

Staff recommends approval of the proposed preliminary development plan and preliminary plat.

KESSLER RIDGE AT NEW LONGVIEW SECOND PLAT  
PRELIMINARY PLAT & PRELIMINARY DEVELOPMENT PLAN  
LOTS 56-87, TRACTS E-G

SECTION 10, TOWNSHIP 47 N, RANGE 32 W  
IN LEE'S SUMMIT, JACKSON COUNTY, MO



INDEX OF SHEETS	
COVER SHEET	01
EXISTING CONDITIONS	02
SITE PLAN	03
PRELIMINARY GRADING & UTILITIES	04
BUILDING ELEVATIONS	05-01

## PROPERTY DESCRIPTION:

ALL OF LOT 1, KESSLER RIDGE AT NEW LONGVIEW HISTORIC LOTS 1-2, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI

DEVELOPMENT TEAM CONTACT INFORMATION		
CIVIL ENGINEER		
	SHANNON BUSTER, P.E. OLSSON ASSOCIATES	1301 BURLINGTON, SUITE 100 NORTH KANSAS CITY, MO 64116 TEL: 816.587.4330 FAX: 816.587.1393 SBUSTER@OLSSONASSOCIATES.COM
DEVELOPER		
	TODD LIPSCHUTZ INSPIRED HOMES	1301 BURLINGTON, SUITE 150 NORTH KANSAS CITY, MO 64116 TEL: 816-548-3300 FAX: --- TLIPSCHUTZ@INSPIRED-HOMES.COM

**OLSSON®  
ASSOCIATES**

Olsson Associates – Civil Engineering  
MO Certificate of Authority #001592  
TEL 816.587.4320  
FAX 816.587.3833  
North Kansas City, MO 64116  
[www.olssonassociates.com](http://www.olssonassociates.com)

[illegible]

COVER SHEET	
KESSLER RIDGE AT NEW LONGVIEW SECOND PLAT PRELIMINARY PLAT & PRELIMINARY DEVELOPMENT PLAN	
LEE'S SUMMIT, MO	2017

drawn by: C.J.H.  
checked by: S.Q.B.  
designed by: P.D.  
QA/QC by: M.J.D.  
project no.: 017-0266  
date: 2017.06.30

- CABLE TV**  
CTVP CABLE TV PEDESTAL  
SD SATELLITE DISH
- ELECTRIC**  
AC AIR CONDITIONER  
EB ELECTRIC BOX  
EMT ELECTRIC METER  
EMH ELECTRIC MANHOLE  
EP ELECTRIC PEDESTAL  
EV ELECTRIC VAULT  
GA GUY ANCHOR  
GUY GUY POLE  
LP LIGHT POLE  
PP POWER POLE  
YL YARD LIGHT\FLOOD LIGHT
- GAS**  
GK GAS LINE MARKER  
GM GAS METER  
GR GAS REGULATOR  
GV GAS VALVE
- SANITARY**  
CO SANITARY CLEANOUT  
SMH SANITARY MANHOLE
- STORM**  
AI AREA INLET  
CI CURB INLET  
FD FLOOR DRAIN  
FI FIELD INLET  
GI GRATE INLET  
JB JUNCTION BOX  
RD ROOF DRAIN  
STMH STORM MANHOLE
- TELEPHONE**  
FOM FIBER OPTIC MARKER  
TMK TELEPHONE CABLE MARKER  
TLP TELEPHONE POLE  
TP TELEPHONE PEDESTAL  
TV TELEPHONE VAULT
- WATER**  
FH FIRE HYDRANT  
HB HOSE BIB  
MW MONITOR WELL  
PIV POST INDICATOR VALVE  
SB SPRINKLER CONTROL BOX  
SV SPRINKLER VALVE  
WM WATER METER  
WH WATER MANHOLE  
WMV WATER METER VAULT  
WV WATER VALVE
- PARKING**  
& HANDICAP STALL  
WLS WHEEL STOP  
DYS DOUBLE YELLOW STRIPE  
WS WHITE STRIPE  
YS YELLOW STRIPE
- TRAFFIC**  
SLCB STREET LIGHT BOX  
TSP TRAFFIC SIGNAL POLE  
TSC TRAFFIC SIGNAL CONTROLS  
TSV TRAFFIC SIGNAL VAULT
- SIGNS**  
HS HANDICAP SIGN  
SL SPEED LIMIT SIGN  
SN SIGN  
SS STOP SIGN
- EASEMENTS**  
A.E. ACCESS EASEMENT  
B.M.P. BEST MANAGEMENT PRACTICE  
D.E. STORM DRAINAGE EASEMENT  
L.E. LANDSCAPE EASEMENT  
M.E. MONUMENT EASEMENT  
N.B.E. NO BUILD EASEMENT  
P.E. PEDESTRIAN EASEMENT  
S.D.E. SURFACE DRAINAGE EASEMENT  
S.E. SANITARY SEWER EASEMENT  
U.E. UTILITY EASEMENT  
W.E. WATER EASEMENT

PLAN LEGEND:

- SETBACKS**  
B.S. BUILDING SETBACK  
D.S. DECK SETBACK  
dBA SOUND SETBACK  
F.Y.S. FRONT YARD SETBACK  
L.B. LANDSCAPE BUFFER  
P.S. PARKING SETBACK  
R.Y.S. REAR YARD SETBACK  
S.Y.S. SIDE YARD SETBACK
- SURVEY MARKERS**  
BENCHMARK  
FOUND SECTION CORNER (MONUMENTATION AS NOTED)  
FOUND PROPERTY CORNER (MONUMENTATION AS NOTED)  
FOUND RIGHT-OF-WAY MARKER  
SET 5/8" IRON REBAR WITH ALUMINUM CAP TO BE SET UPON COMPLETION OF CONSTRUCTION.  
SET 1/2" IRON BAR WITH PLASTIC CAP TO BE SET UPON COMPLETION OF CONSTRUCTION. (1/2" BARS WITH CAPS WILL ALSO BE SET ON ALL LOT AND TRACT CORNERS)
- BOUNDARIES**  
SECTION LINE  
EXISTING PROPERTY BOUNDARY  
EXISTING LOT LINE  
EXISTING RIGHT-OF-WAY
- UTILITY LINES**  
EGTV EXISTING CABLE TV, UNDERGROUND  
EEOH EXISTING ELECTRIC, OVERHEAD  
EE EXISTING ELECTRIC, UNDERGROUND  
EFO EXISTING FIBER OPTIC, UNDERGROUND  
EG EXISTING GAS LINE  
ESS EXISTING SANITARY SEWER  
EST EXISTING STORM SEWER  
ETEL EXISTING TELEPHONE, UNDERGROUND  
EW EXISTING WATER LINE
- CONTOURS**  
INDEX CONTOURS  
INTERMEDIATE CONTOURS
- MISCELLANEOUS**  
BB BASKETBALL GOAL  
BH BORE HOLE  
FENCE, CHAIN LINK  
STEEL OR ALUMINUM  
FENCE; STOCKADE, WOOD,  
VINYL OR PLASTIC  
FENCE; BARBED WIRE OR WOVEN WIRE TOPPED  
FP FLAG POLE  
GP GUARD POST  
GR GUARD RAIL  
HDRL HANDRAIL  
HSP HORSESHOE PIT  
LSCP LANDSCAPING  
MB MAILBOX  
MH UTILITY MANHOLE  
PB PARK BENCH  
PT PICNIC TABLE  
RAILROAD TRACKS  
TREE, DECIDUOUS  
TREE, CONIFEROUS  
EXISTING TREELINE  
EXISTING SIDEWALK  
EXISTING BUILDINGS  
EXISTING EDGE OF PAVEMENT  
EXISTING ROADWAY CENTER LINE  
EXISTING CURB & GUTTER  
RADIUS  
L ARC DISTANCE  
D DELTA / CENTRAL ANGLE  
I.T.B. INITIAL TANGENT BEARING  
N.R. NOT RADIAL  
C/L CENTERLINE  
R/W RIGHT OF WAY  
P/L PLAT LINE  
L/L LOT LINE  
P.O.S. PRIVATE OPEN SPACE

STATE PLANE COORDINATE TABLE			
Point Number	Grid Northing	Grid Easting	
1	304253.566	854617.775	
2	304251.297	854663.913	
3	304248.980	854663.799	
4	304245.659	854731.350	
5	304231.849	854735.070	
6	304258.479	854777.183	
7	304238.593	854791.634	
8	304234.049	854791.257	
9	304233.292	854790.300	
10	304221.236	854799.620	
11	304222.896	854801.684	
12	304222.803	854806.335	
13	304211.143	854819.666	
14	304180.396	854794.679	
15	304153.678	854827.555	
16	304152.720	854826.776	
17	304118.703	854868.634	
18	304079.793	854859.033	
19	304004.784	854855.346	
20	304013.813	854672.306	
21	304016.857	854672.456	
22	304019.259	854623.752	
23	304033.612	854610.703	
24	304132.761	854615.538	
25	304132.909	854612.494	
26	304241.544	854617.791	

TOWER PARK COMMERCIAL  
PHASE 2  
EXISTING LAND USE: HIGH  
DENSITY RESIDENTIAL  
EXISTING ZONING: PMIX

KESSLER 1ST PLAT  
EXISTING LAND USE: AGRICULTURAL  
EXISTING ZONING: PMIX

KESSLER RIDGE AT NEW LONGVIEW - 1ST PLAT  
EXISTING LAND USE: UNDEVELOPED  
EXISTING ZONING: PMIX

BRIDLEWOOD - 7TH PLAT  
EXISTING LAND USE: LOW  
DENSITY RESIDENTIAL  
EXISTING ZONING: R-1

BRIDLEWOOD - 6TH PLAT  
EXISTING LAND USE: LOW  
DENSITY RESIDENTIAL  
EXISTING ZONING: R-1

KESSLER RIDGE AT NEW  
LONGVIEW - 1ST PLAT  
EXISTING LAND USE:  
UNDEVELOPED  
EXISTING ZONING: PMIX

PERGOLA PARK 1ST PLAT  
EXISTING LAND USE: LOW  
DENSITY RESIDENTIAL  
EXISTING ZONING: PMIX

MADISON PARK 1ST PLAT  
EXISTING LAND USE:  
LOW DENSITY RESIDENTIAL  
EXISTING ZONING: PMIX

REDBUCK COURT  
EXISTING LAND USE: LOW  
DENSITY RESIDENTIAL  
EXISTING ZONING: PMIX

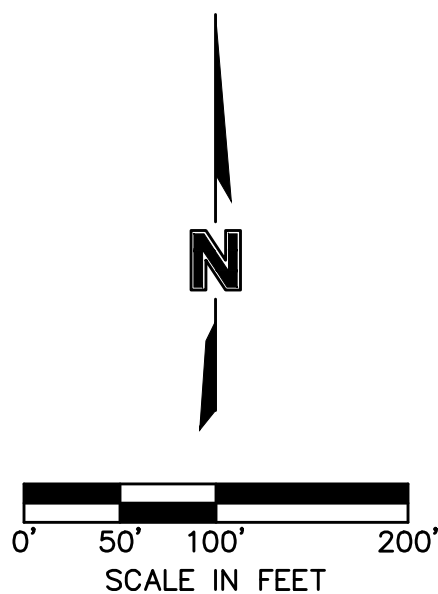
LONGVIEW FARM VILLAS  
EXISTING LAND USE: LOW DENSITY RESIDENTIAL  
EXISTING ZONING: R-1

NOTES:

- EXISTING ZONING: PMIX; EXISTING LAND USE: UNDEVELOPED
- NO OIL OR GAS WELLS ARE LOCATED ON THE PROPERTY. INFORMATION VERIFIED VIA MISSOURI DNR: <https://dnr.mo.gov/geology/geosrv/oilandgas.htm> (UPDATED MAY 2016)
- FEMA FLOODPLAIN DESIGNATION: AREA OF MINIMAL FLOOD HAZARD

HISTORIC HOMES NOTE:

SUNFLOWER DEVELOPMENT GROUP, LLC PURCHASED THE HISTORIC HOMES IN APRIL 2017. STABILIZATION EFFORTS HAVE BEGUN ON THE BARNs AND WORK WILL BEGIN ON THE HOMES IN AUGUST 2017; ALL WORK WILL BE COMPLETE WITHIN 60 DAYS OF THE START DATE. DEPENDING ON TAX REVENUES, A FULL REHAB OF HOMES WILL BE COMPLETE IN THE NEXT THREE TO SIX YEARS.



EXISTING CONDITIONS

KESSLER RIDGE AT NEW LONGVIEW SECOND PLAT  
PRELIMINARY PLAT & PRELIMINARY DEVELOPMENT PLAN

LEE'S SUMMIT, MO

2017

drawn by: CJH  
checked by: SGB  
designed by: ED  
QA/QC by: MJD  
project no.: 017-0266  
date: 2017.06.30

SHEET  
02

**OLSSON**  
ASSOCIATES

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www.olsonassociates.com

REVISIONS

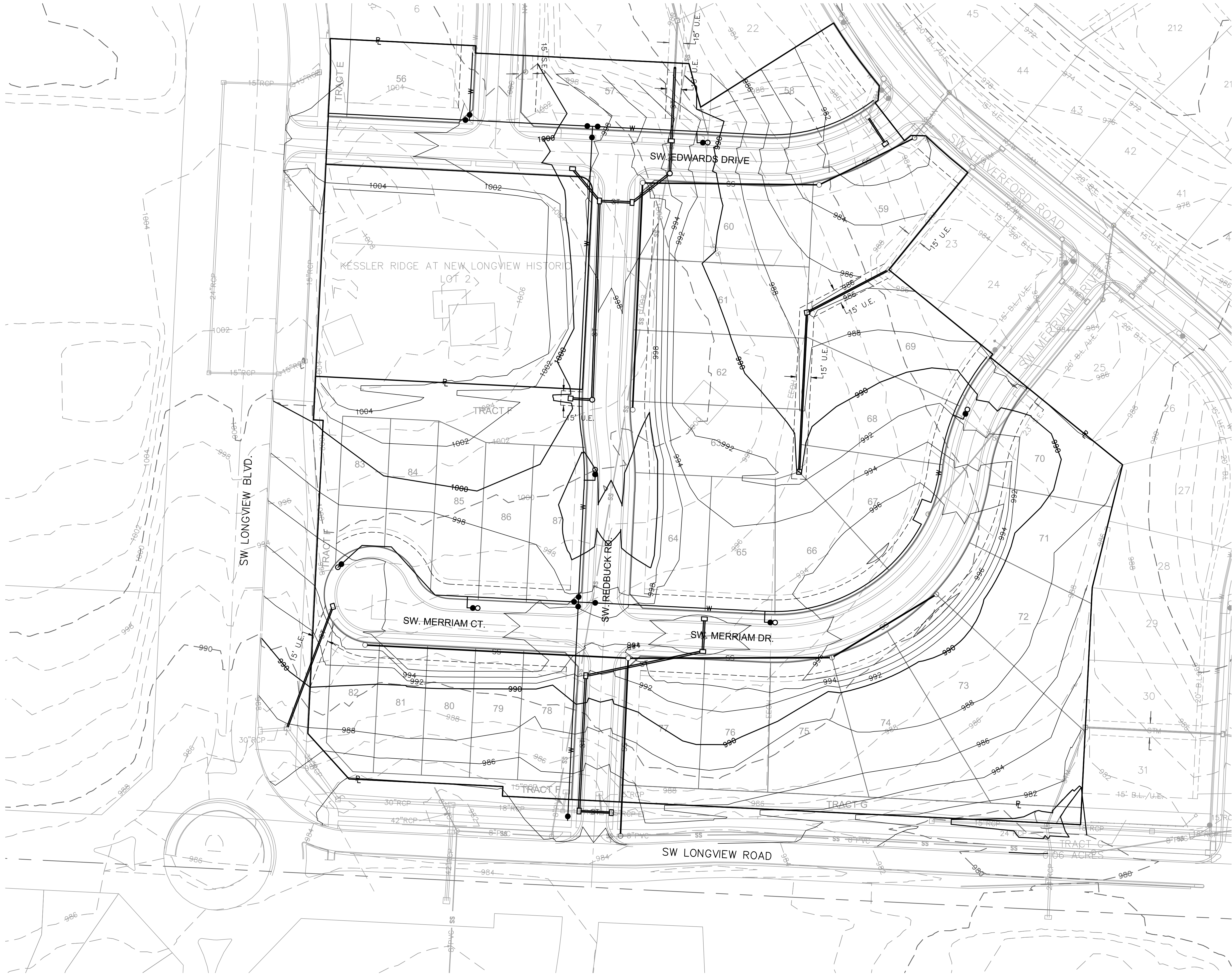
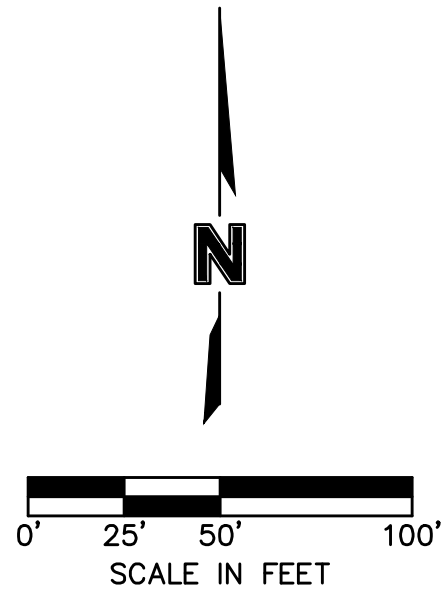
NO.	REV.	DATE	REVISIONS DESCRIPTION	BY
1		2017.06.01	Revised per Staff comments	CJH
2		2017.06.08	Sheet 03 revised to reflect accurate setback information.	CJH
3		2017.10.12	Revised to reflect design changes (Lots 79-87, Tract F)	CJH
4		2017.10.30	Revised to reflect design changes (Lots 79-87, Tract F)	CJH







- PLAN LEGEND:**
- UTILITY LINES**
- EC-TV EXISTING CABLE TV, UNDERGROUND
  - CTV PROPOSED CABLE TV, UNDERGROUND
  - FC-TV FUTURE CABLE TV, UNDERGROUND
  - EE-OH EXISTING ELECTRIC, OVERHEAD
  - EOH PROPOSED ELECTRIC, OVERHEAD
  - E EXISTING ELECTRIC, UNDERGROUND
  - EOH FUTURE ELECTRIC, OVERHEAD
  - FE FUTURE ELECTRIC, UNDERGROUND
  - EFO EXISTING FIBER OPTIC, UNDERGROUND
  - FO PROPOSED FIBER OPTIC, UNDERGROUND
  - FFO FUTURE FIBER OPTIC, UNDERGROUND
  - EG EXISTING GAS LINE
  - G PROPOSED GAS LINE
  - FG FUTURE GAS LINE
  - ESS EXISTING SANITARY SEWER
  - SS PROPOSED SANITARY SEWER
  - FS EXISTING SANITARY SEWER
  - ST PROPOSED STORM SEWER
  - FST FUTURE STORM SEWER
  - ETEL EXISTING TELEPHONE, UNDERGROUND
  - TEL PROPOSED TELEPHONE, UNDERGROUND
  - FTEL FUTURE TELEPHONE, UNDERGROUND
  - EW EXISTING WATER LINE
  - W PROPOSED WATER LINE
  - FW FUTURE WATER LINE
- CONTOURS**
- 100 EXISTING INDEX CONTOURS
  - 100 EXISTING INTERMEDIATE CONTOURS
  - 100 PROPOSED INDEX CONTOURS
  - 100 PROPOSED INTERMEDIATE CONTOURS
  - 100 FUTURE INDEX CONTOURS
  - 100 FUTURE INTERMEDIATE CONTOURS



PRELIMINARY GRADING & UTILITIES		NO. REV.		DATE	REVISIONS DESCRIPTION	BY
KESSLER RIDGE AT NEW LONGVIEW SECOND PLAT PRELIMINARY PLAT & PRELIMINARY DEVELOPMENT PLAN		1	2017.08.01	Revised per Staff comments	C/H	
		2	2017.09.08	Sheet (3) revised to reflect accurate setback information.	C/H	
		3	2017.10.12	Revised to reflect design changes (Lots 79-87, Tract F)	C/H	
		4	2017.10.30	Revised to reflect design changes (Lots 79-87, Tract F)	C/H	
LEE'S SUMMIT, MO		2017		REVISIONS		
drawn by: C/H		checked by: SGB		designed by: MJ		
QA/QC by: MJ		project no.: 017-0266		date: 2017.08.30		
SHEET 04						

Olsson Associates - Civil Engineering  
MO Certificate of Authority # 001592  
North Kansas City, MO 64116  
TEL 816.887.4300  
FAX 816.887.1393  
www.olsonassociates.com





OPUS - CRAFTSMAN



**OPUS - PRAIRIE**



OPUS - SHINGLE



### PROVENANCE - CRAFTSMAN



## PROVENANCE - SHINGLE



PROVENANCE - FRENCH COUNTRY



ELYSE - CRAFTSMAN



ELYSE - MEDITERRANEAN



ELYSE - SHINGLE

[illegible]





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FAX: 816.587.1353  
[www.olssonassociates.com](http://www.olssonassociates.com)

REV.	DATE	REVISIONS DESCRIPTION	BY
1	2017-08-01	Revised per Staff comments	C-JH
2	2017-09-08	Sheet 03 revised to reflect accurate setback information.	C-JH
3	2017-10-12	Revised to reflect design changes (Lots 76-87, Tract F)	C-JH
4	2017-10-30	Revised to reflect design changes (Lots 76-87, Tract F)	C-JH
<b>REVISIONS</b>			

BUILDING ELEVATIONS - LOTS 56-77	
KESSLER RIDGE AT NEW LONGVIEW SECOND PLAT PRELIMINARY PLAT & PRELIMINARY DEVELOPMENT PLAN	2017

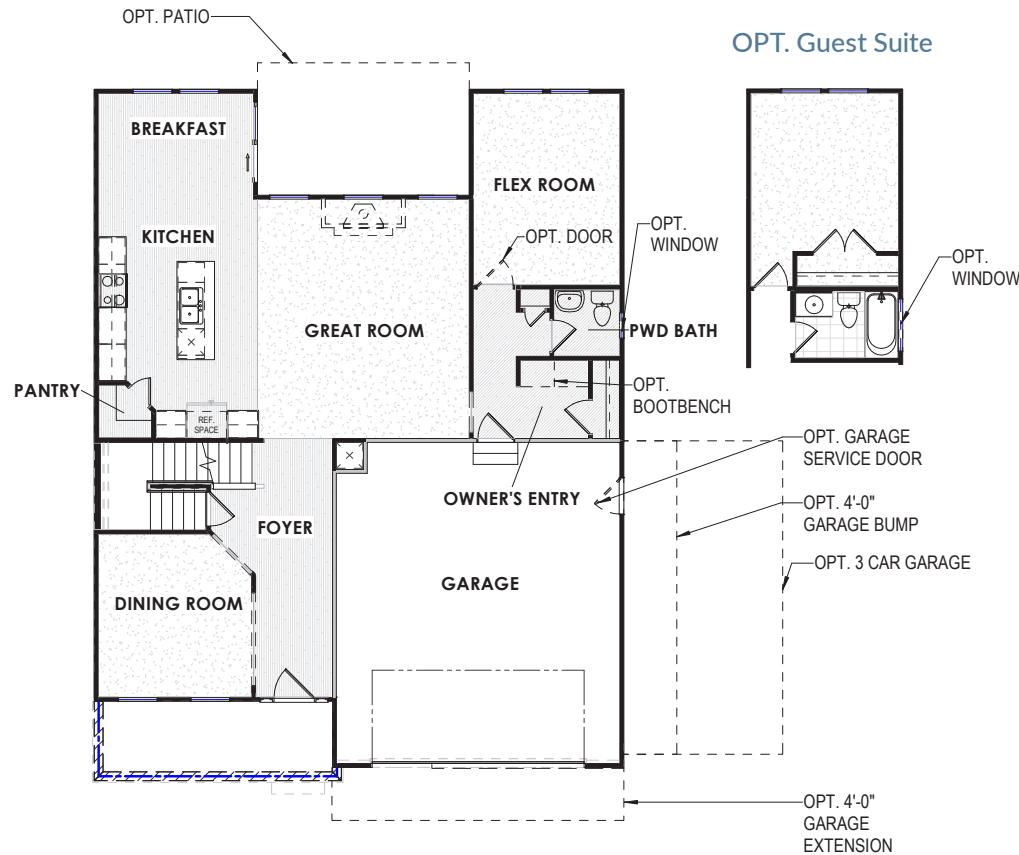
Drawn by: CJH  
 Checked by: SQB  
 Designed by: PD  
 QA/QC by: MJD  
 Project no.: 017-0266  
 Date: 2017.06.30



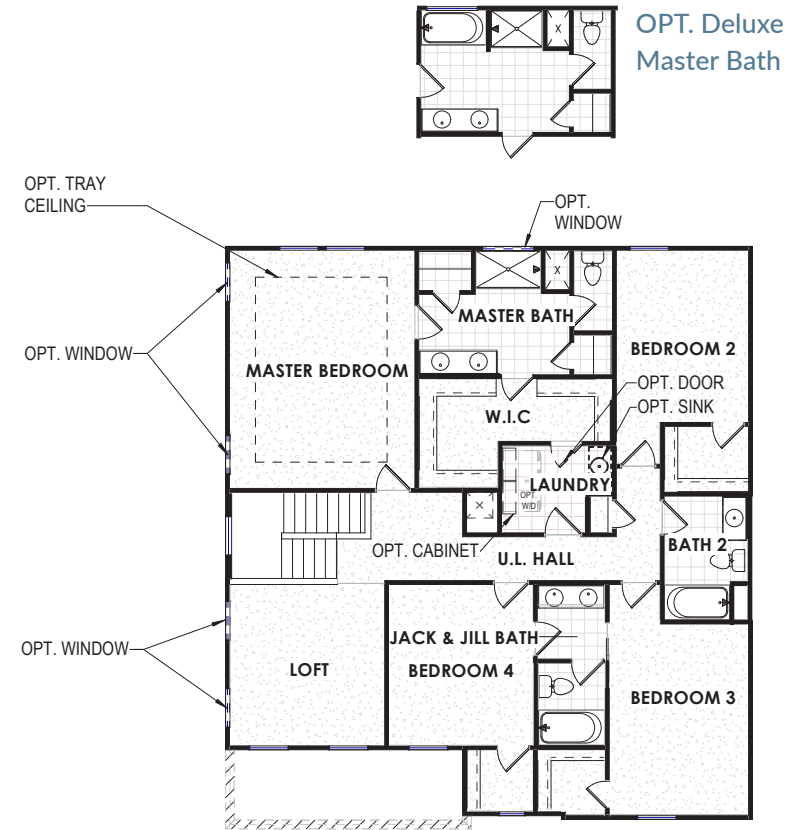
# The Calistoga

2,932 Square Feet | 2 Story | 4 - 5 Bedrooms | 3.5 - 4 Bathrooms

Main Floor



Upper Floor



Note: Window location may vary by elevation



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Kessler Ridge



# The Calistoga

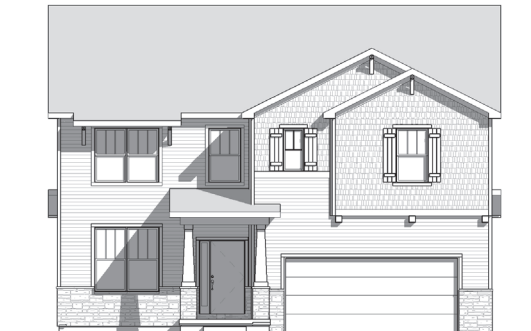
2,932 Square Feet | 2 Story | 4 -5 Bedrooms | 3.5 - 4 Bathrooms



Prairie



Farmhouse



Craftsman

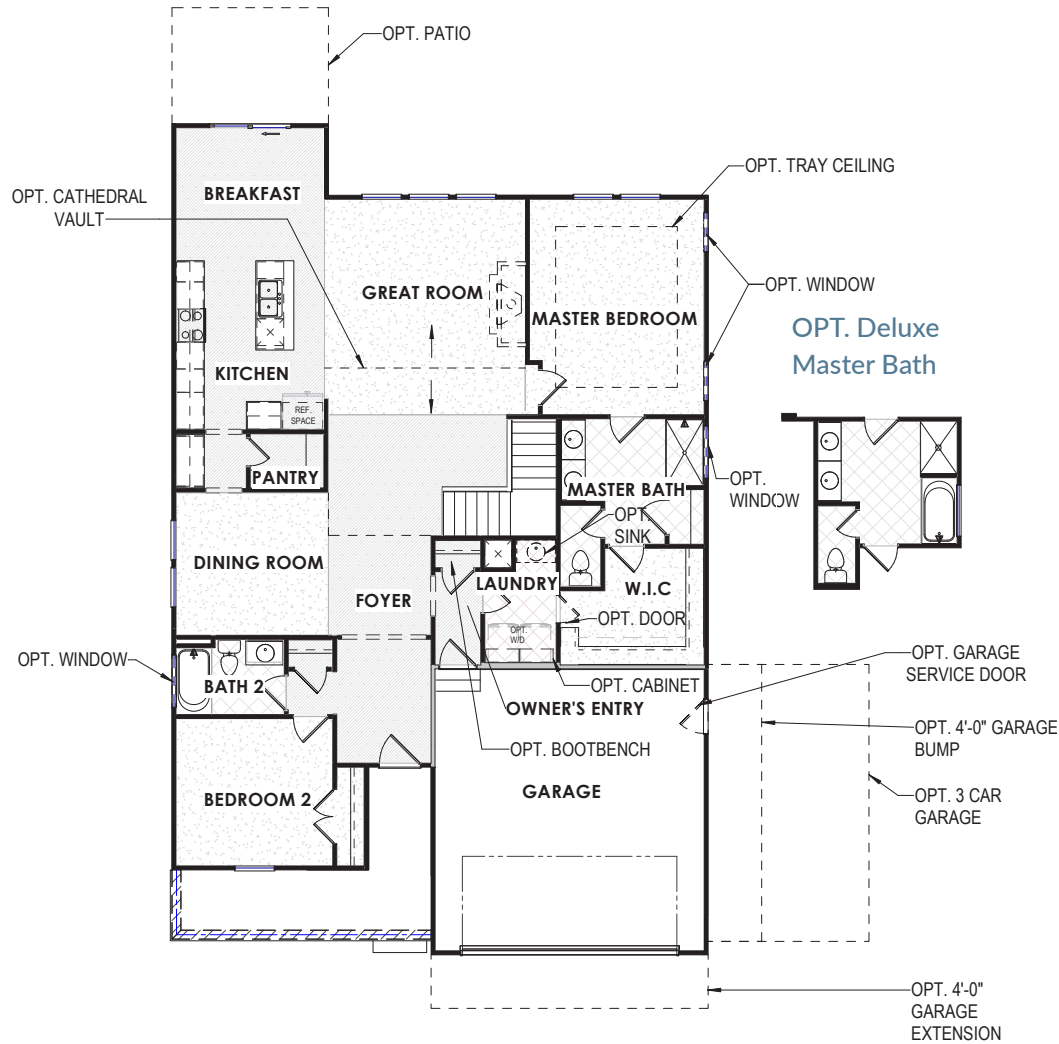


French Country

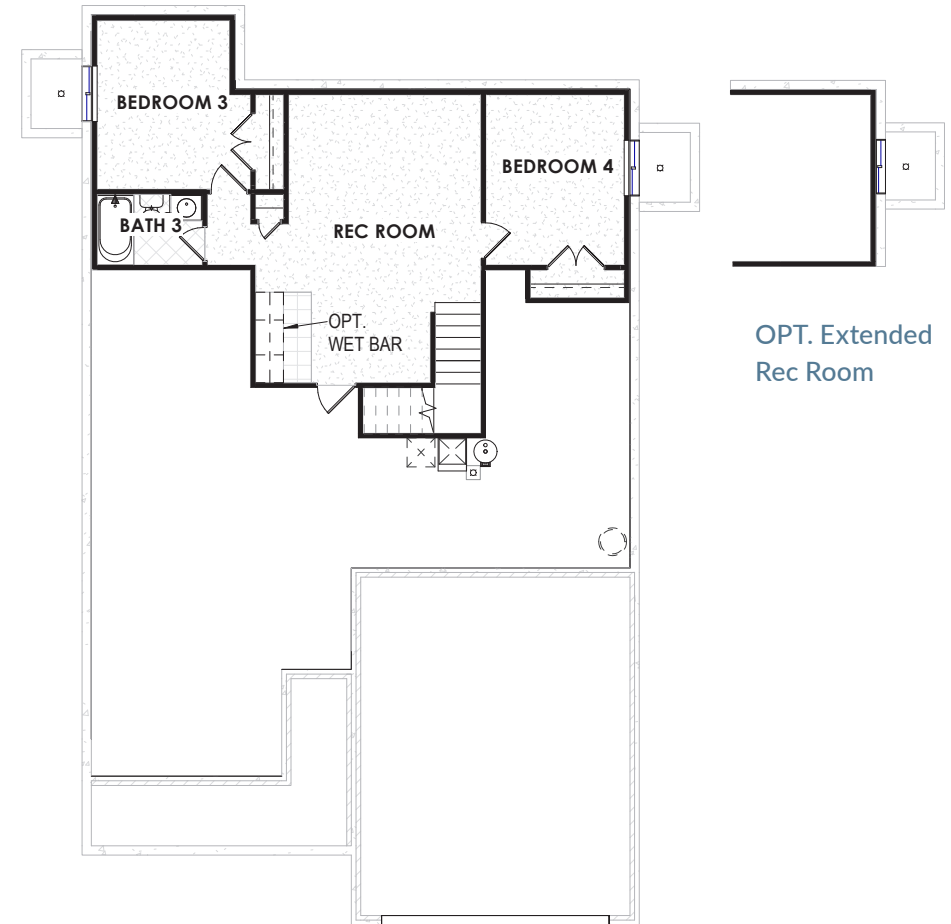
# The Cardinale

2,459 Square Feet | Reverse 1.5 Story | 4 Bedrooms | 3 Bathrooms

Main Floor



Basement Floor



Note: Window location may vary by elevation



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Kessler Ridge





# The Cardinale

2,459 Square Feet | Reverse 1.5 Story | 4 Bedrooms | 3 Bathrooms



Prairie



Farmhouse



Craftsman

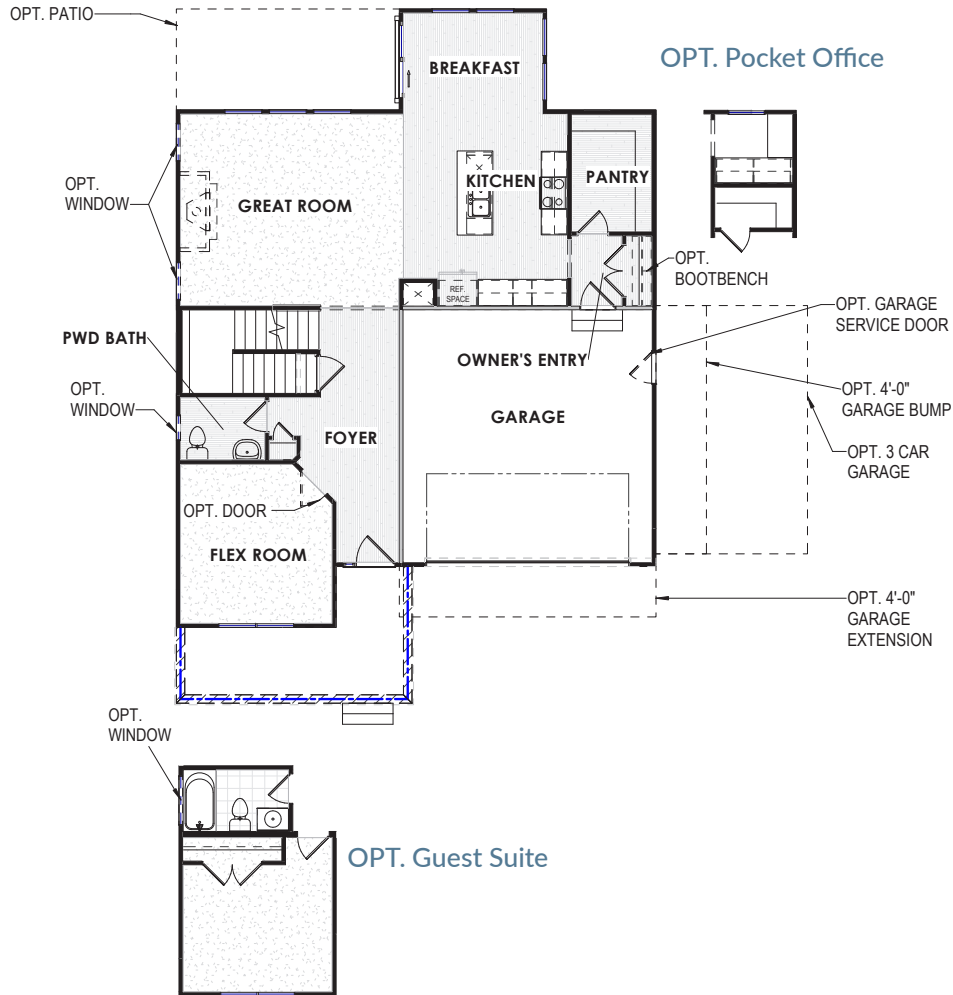


French Country

# The Inglenook

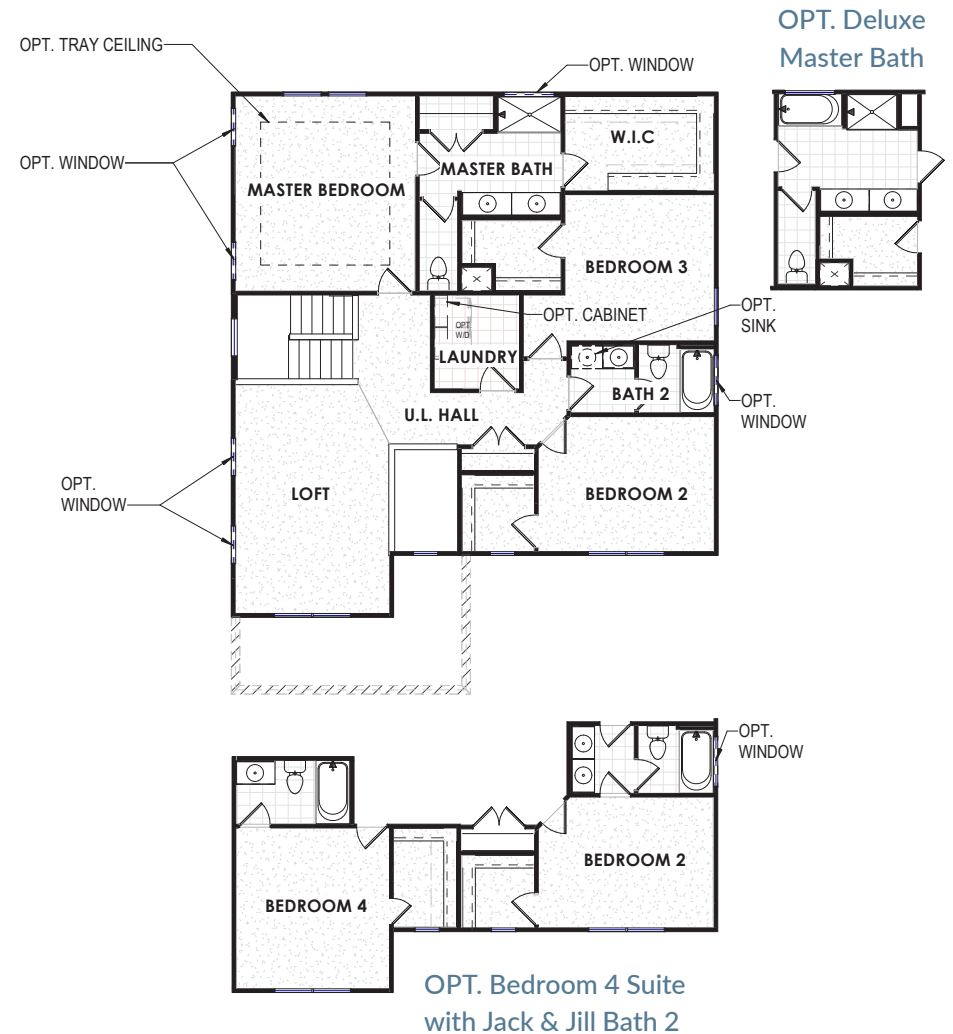
2,490 Square Feet | 2 Story | 3 - 5 Bedrooms | 2.5 - 4 Bathrooms

Main Floor



Note: Window location may vary by elevation

Upper Floor





# The Inglenook

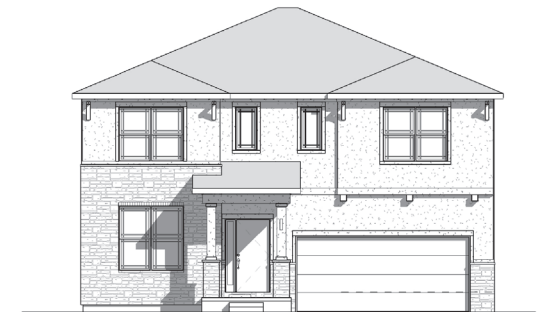
2,490 Square Feet | 2 Story | 3 - 5 Bedrooms | 2.5 - 4 Bathrooms



Craftsman



Farmhouse



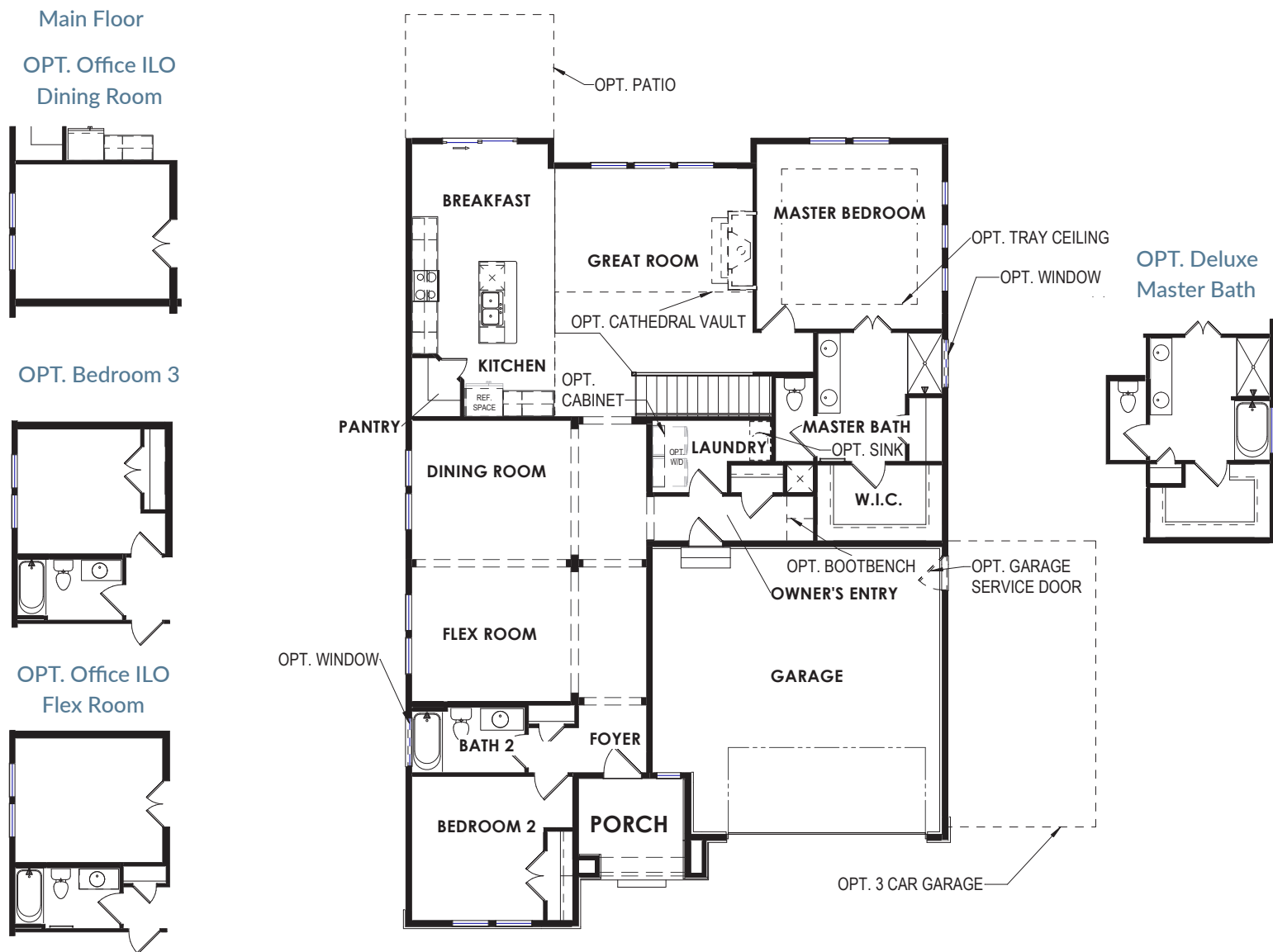
Prairie



French Country

# The Montelena

1,972 Square Feet | Ranch | 2 - 3 Bedrooms | 2 Bathrooms



Note: Window location may vary by elevation

# The Montelena

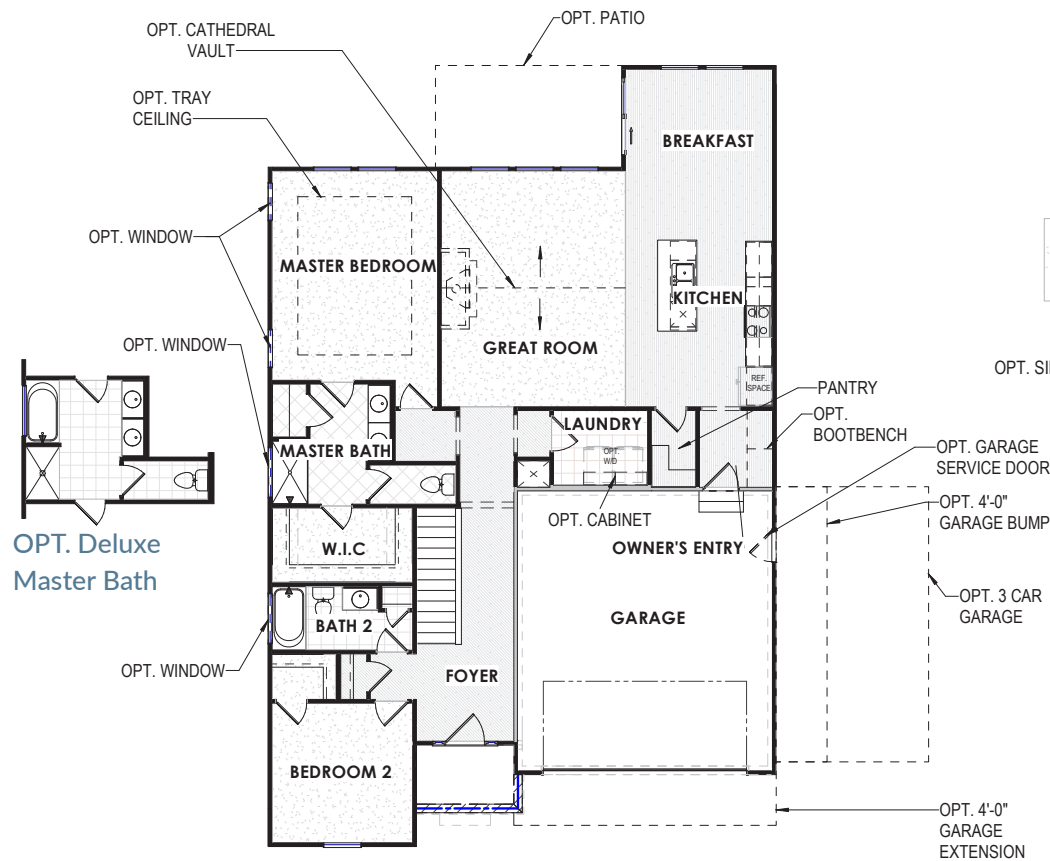
1,972 Square Feet | Ranch | 2 - 3 Bedrooms | 2 Bathrooms



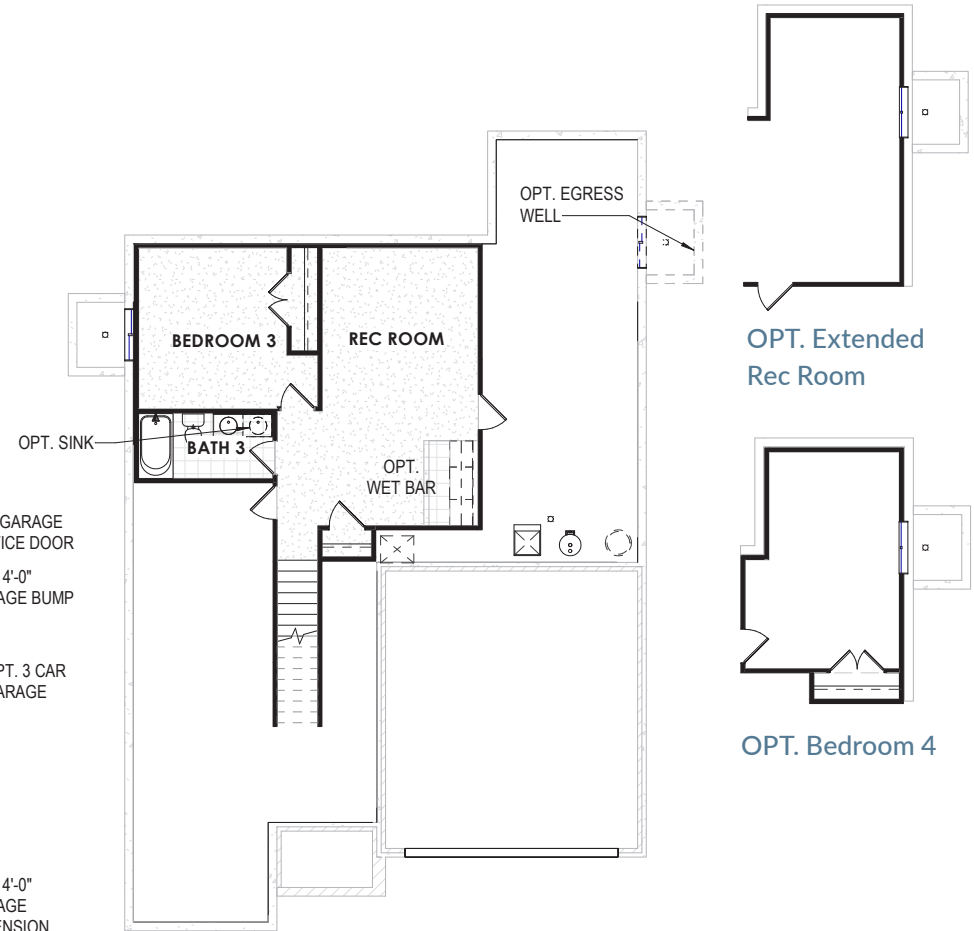
# The Quintessa

2,201 Square Feet | Reverse 1.5 Story | 3 - 4 Bedrooms | 3 Bathrooms

Main Floor



Basement Floor



Note: Window location may vary by elevation



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Kessler Ridge





# The Quintessa

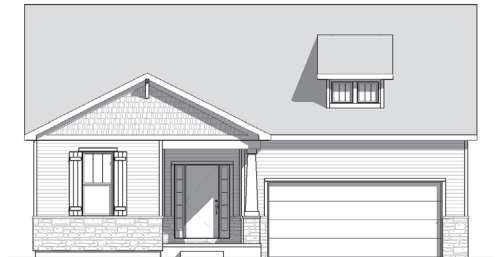
2,201 Square Feet | Reverse 1.5 Story | 3 - 4 Bedrooms | 3 Bathrooms



French Country



Farmhouse



Craftsman



Prairie

## Packet Information

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**File #:** BILL NO. 18-02, **Version:** 1

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND GENERALLY LOCATED AT THE NE CORNER OF SW LONGVIEW BOULEVARD AND SW LONGVIEW ROAD IN DISTRICT PMIX, PROPOSED KESSLER RIDGE AT NEW LONGVIEW, 2<sup>ND</sup> PLAT, LOTS 56-87, TRACTS E-G, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

Proposed City Council Motion:

First Motion: I move for second reading of AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND GENERALLY LOCATED AT THE NE CORNER OF SW LONGVIEW BOULEVARD AND SW LONGVIEW ROAD IN DISTRICT PMIX, PROPOSED KESSLER RIDGE AT NEW LONGVIEW, 2<sup>ND</sup> PLAT, LOTS 56-87, TRACTS E-G, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.



## **BILL NO. 18-02**

---

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND GENERALLY LOCATED AT THE NE CORNER OF SW LONGVIEW BOULEVARD AND SW LONGVIEW ROAD IN DISTRICT PMIX, PROPOSED KESSLER RIDGE AT NEW LONGVIEW, 2<sup>ND</sup> PLAT, LOTS 56-87, TRACTS E-G, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-144 submitted by Inspired Homes, LLC, requesting approval of a preliminary development plan in District PMIX (Planned Mixed-Use) on land located generally at the NE corner of SW Longview Boulevard and SW Longview Road was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a preliminary development plan by the City following public hearings by the Planning Commission and City Council, and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the preliminary development plan on December 12, 2017, and rendered a report to the City Council recommending that the preliminary development plan be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on January 4, 2018, and rendered a decision to approve the preliminary development plan for said property.

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

SECTION 1. That a preliminary development plan is hereby approved in District PMIX on the following described property:

Section 10, Township 47 North, Range 32 West, in Lee's Summit, Jackson County, Missouri, being described as follows:

*ALL OF LOT 1, KESSLER RIDGE AT NEW LONGVIEW HISTORIC LOTS 1-2, A  
SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI.*

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan date stamped November 1, 2017.
2. Development standards, including density, lot area, and setbacks, shall be as shown on the preliminary development plan date stamped November 1, 2017.

## **BILL NO. 18-02**

---

3. The approved architectural styles, building materials and colors, shall be as shown on the building elevations date stamped November 1, 2017.
4. For Lots 56-77 the front setbacks shall be a minimum of 20' and a maximum of 25'. Side setbacks shall be a minimum of 5'; and 15' from a side street. Rear setbacks shall be a minimum of 25'.
5. For Lots 78-87 the front setback shall be 20' and a maximum of 25'. Side setbacks shall be a minimum of 5'; and 12' from a side street. Rear setbacks shall be a minimum of 25'.
6. Porches, cantilevers, roofs, roof overhangs and any and all building appurtenances may encroach a maximum of 8' into the front building setback.
7. The developer shall be responsible for construction of a white rail fence along SW Longview Road significantly similar to other areas along SW Longview Road throughout the exterior of the development.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped November 1, 2017, appended hereto and made a part hereof.

SECTION 4. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 5. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

SECTION 6. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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*Mayor Randall L. Rhoads*

ATTEST:

---

*City Clerk Trisha Fowler Arcuri*

**BILL NO. 18-02**

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

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

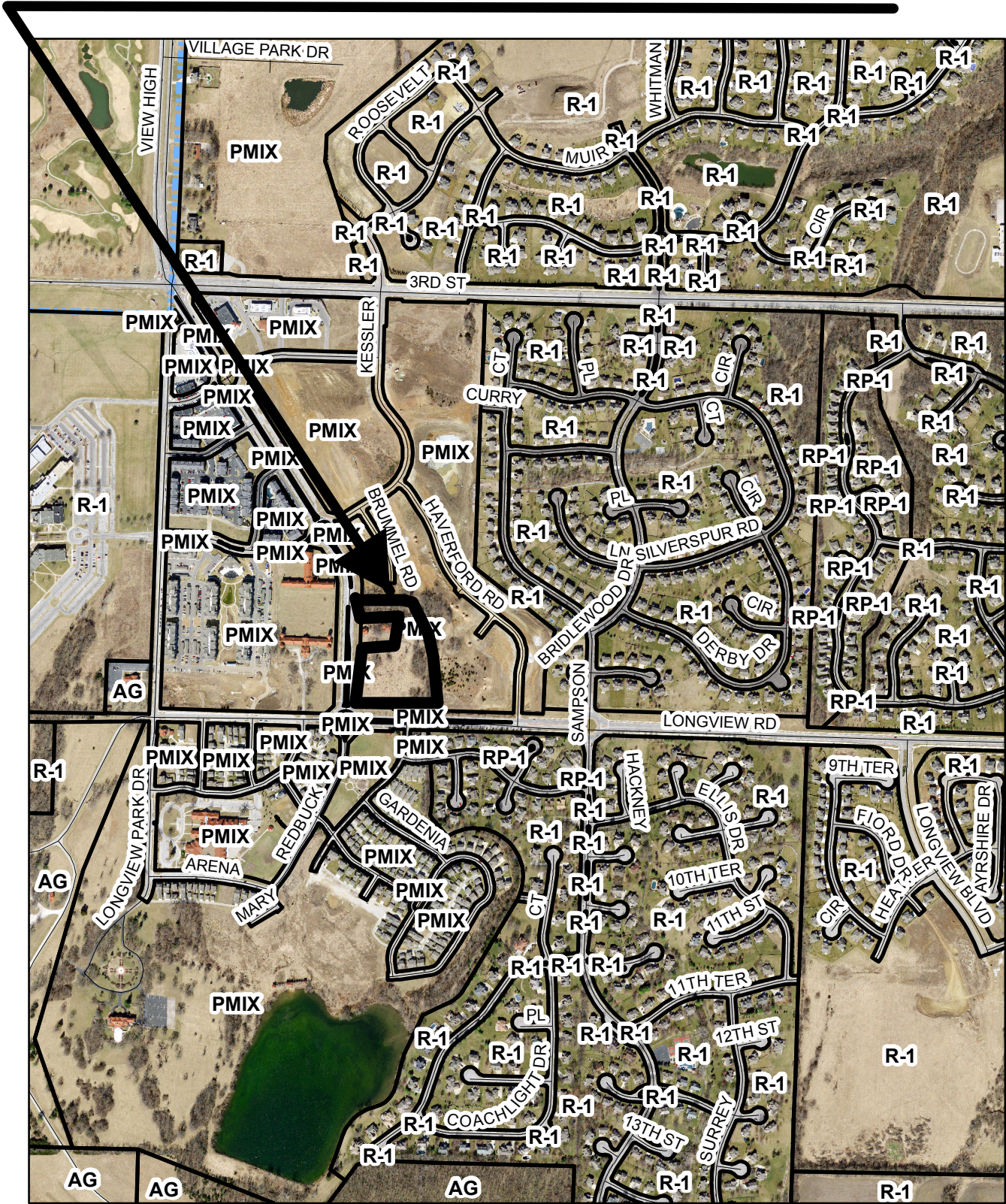
\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian Head*



PL#2017-144- PRELIMINARY DEVELOPMENT PLAN  
KESSLER RIDGE AT NEW LONGVIEW, 2ND PLAT  
INSPIRED HOMES, INC, APPLICANT





# City of Lee's Summit

## Development Services Department

December 8, 2017

TO: Planning Commission

PREPARED BY: Jennifer Thompson, Planner

CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services

RE: **Remanded PUBLIC HEARING – Appl. #PL2017-144 – PRELIMINARY DEVELOPMENT PLAN – Kessler Ridge at New Longview, 2<sup>nd</sup> Plat, Lots 56-87, Tracts E-G; Inspired Homes, LLC, applicant**

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*A preliminary development plan application was filed with the City on June 30, 2017, proposing the second phase of Kessler Ridge at New Longview single-family residential subdivision. The application was considered by and subsequently recommended for approval by the Planning Commission on September 12, 2017. The application was remanded back to the Planning Commission by the City Council on October 5, 2017, at the applicant's request in order to redesign a portion of the project in response to staff comments.*

*The portion of the plan encompassing Lots 78-87 has been redesigned in order to accommodate the standard right-of-way street width of 50 feet for SW Merriam Court, rather than 30 feet as previously shown on the preliminary development plan. Other changes to Lots 78-87 include, but are not limited to, increased minimum setbacks for rear and front yards, house orientation (facing SW Merriam Ct), decreased square footage for common area, and the addition of sidewalk along SW Merriam Ct.*

### Commentary

The applicant proposes the second phase of *Kessler Ridge at New Longview*, a single-family residential development composed of 32 lots and 3 common area tracts on 11.55 acres zoned PMIX (Planned Mixed Use). A preliminary development plan was previously approved for the Kessler Ridge at New Longview development; however the approved plan did not include a portion of property located within the southwest corner of this site. This proposed plan includes the additional acreage and provides for 10 additional lots.

The north and east portions of the site are comprised of 22 lots and are a continuation of the lot sizes and standards established within *Kessler Ridge at New Longview, 1<sup>st</sup> Plat*. The southwest corner of the site offers approximately 10 lots that have significantly reduced lot widths more comparable to the "Traditional Neighborhood Design" product.

The proposed building setbacks and lot widths are similar to the standards for other single-family residential areas of New Longview. Architectural options include a variety of 1 and 2-story homes, varied design styles and building material options, supplemented with a rich traditional color palette.

- 32 lots and 3 common area tracts on 11.55 acres
- 2.77 units/acre, including common area; 2.99 units/acre, excluding common area

### Recommendation

Staff recommends **APPROVAL** of the preliminary development plan, subject to the following:

1. Development shall be in accordance with the preliminary development plan date stamped November 1, 2017.



2. Development standards, including density, lot area, and setbacks, shall be as shown on the preliminary development plan date stamped November 1, 2017.
3. The approved architectural styles, building materials and colors, shall be as shown on the building elevations date stamped November 1, 2017.
4. For Lots 56-77 the front setbacks shall be a minimum of 20' and a maximum of 25'. Side setbacks shall be a minimum of 5'; and 15' from a side street. Rear setbacks shall be a minimum of 25'.
5. For Lots 78-87 the front setback shall be 20' and a maximum of 25'. Side setbacks shall be a minimum of 5'; and 12' feet from a side street. Rear setbacks shall be a minimum of 25'.
6. Porches, cantilevers, roofs, roof overhangs and any and all building appurtenances may encroach a maximum of 8' into the front building setback.
7. The developer shall be responsible for construction of a white rail fence along SW Longview Road significantly similar to other areas along SW Longview Road throughout the exterior of the development.

## **Zoning and Land Use Information**

**Location:** NE corner of Longview Blvd and Longview Rd.

**Current Zoning:** PMIX (Planned Mixed-Use District)

**Surrounding zoning and use:**

**North:** PMIX (Planned Mixed-Use District)—*Kessler Ridge at New Longview* (single family residential subdivision)

**South (across SW Longview Road):** PMIX (Planned Mixed Use District)—Pergola Park and Madison Park (single family residential subdivisions), and subdivision pool; RP-1 (Planned Single-Family Residential District)—Longview Farm Villas (single family residential subdivision)

**East:** PMIX – (Planned Mixed Use District)—*Kessler Ridge at New Longview* (single family residential subdivision)

**West (across SW Longview Road):** PMIX—Longview Farm dairy barns and Residences at New Longview (apartment development)

**Site Characteristics.** The subject 11.55 acres is a mostly undeveloped area. Three vacant historic homes that served the original Longview Farm are located on a portion of the property.

**Description and Character of Surrounding Area.** The subject property is located at the northeast corner of SW Longview Blvd and SW Longview Rd. The areas to the east and south are developed as single-family residential. The area south of SW Longview Rd is developed in the style of Traditional Neighborhood Design. The area to the east is developed in the style of conventional single-family residential. The area to the west is site to the historic barns that served the original Longview Farm.

## **Project Information**

**Current Use:** undeveloped property with three vacant historic homes

**Proposed Use:** single-family residential

**Land Area:** 11.55 acres

**Number of Lots:** 32 lots and 3 common area tracts

**Density:** 2.77 units/acre, including common area; 2.99 units/acre excluding common area

## Public Notification

**Neighborhood meeting conducted:** n/a

**Newspaper notification published:** November 25, 2017

**Radius notices mailed to properties within 185 feet:** November 21, 2017

## Process

**Procedure:** The Planning Commission makes a recommendation to the City Council on the proposed preliminary development plan. The City Council takes final action on the preliminary development plan application.

**Duration of Validity:** Preliminary development plan approval by the City Council shall not be valid for a period longer than twenty-four (24) months from the date of such approval, unless within such period a final development plan application is submitted. The City Council may grant one extension not exceeding twelve (12) months upon written request. In this case, there is no proposed development plan, but rather a plan that reflects the property's existing undeveloped condition.

## Unified Development Ordinance

Applicable Section(s)	Description
4.300, 4.310, 4.320	Preliminary Development Plan
5.010	Zoning Districts

## Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
Overall Area Land Use	Objective 1.1 Objective 1.2 Objective 1.3 Objective 1.4
Residential Development	Objective 3.1 Objective 3.2 Objective 3.3

## Background

- October 3, 2002 – The City Council approved the rezoning (Appl. #2002-031) from AG, RP-1, RP-2, RP-3 and CP-2 to PMIX and the Conceptual Plan (Appl. #2002-032) for New Longview by Ordinance No. 5407.
- October 3, 2002 – The City Council approved the New Longview Preliminary Development Plan for the Arterial Traffic Network (Appl. #2002-081) by Ordinance No. 5408.

- September 25, 2014 – The City Council approved a partial waiver of the TIF Contract between the City of Lee’s Summit and M-III Longview, LLC, authorizing the development of an additional 55 single-family housing units in the New Longview Farm area by Ordinance No. 7522. The waiver covers Phase 1 of the subject proposed development.
- March 5, 2015 – The City Council approved a preliminary development plan (Appl. #PL2014-158) for Kessler Ridge at New Longview, located at the northeast corner of SW Longview Blvd. and SW Longview Rd, by Ordinance No. 7598.
- November 17, 2016 – The City Council approved the final plat (Appl. #PL2015-051) for *Kessler Ridge, 1<sup>st</sup> Plat, Lots 1-55 & Tracts A-D*, by Ordinance No. 8016.
- September 12, 2017 – The Planning Commission recommended approval of preliminary development plan (Appl. #PL2017-144) for Kessler Ridge at New Longview 2<sup>nd</sup> Plat, Lots 56-87 & Tracts E-G.
- October 5, 2017 – The City Council remanded preliminary development plan (Appl. #PL2017-144) for Kessler Ridge at New Longview 2<sup>nd</sup> Plat, Lots 56-87 & Tracts E-G, back to Planning Commission, at the applicant's request in order to redesign a portion of the project in response to staff comments.

## Analysis of the Preliminary Development Plan

**Redesign.** The application was remanded back to the Planning Commission by the City Council on October 5, 2017, at the applicant's request in order to redesign a portion of the project in response to staff comments.

The portion of the plan encompassing Lots 78-87 has been redesigned in order to accommodate the standard right-of-way street width of 50 feet for SW Merriam Court, rather than 30 feet as previously shown on the preliminary development plan. Increasing the right-of-way width has necessitated revisions to a few of the design standards for Lots 78-87. See below for a list of comparisons between the previous plan and the current plan.

	Previous plan for Lots 78-87	Current plan for Lots 78-87
<b>Number of Lots</b>	10	10
<b>Right-of-way width (SW Merriam Ct)</b>	30 feet	50 feet
<b>Sidewalks (SW Merriam Ct)</b>	No sidewalks	5-foot sidewalks on both sides of street
<b>House Orientation</b>	Fronted <u>away from</u> SW Merriam Ct.	Fronted <u>along</u> SW Merriam Ct.
<b>Garages</b>	Detached garages	Attached garages
<b>Setbacks</b>	20' min.—front yard 5'—side yard 3'—rear yard 12'—side yard (street side)	20' min.; 25' max—front yard 5'—side yard 25'—rear yard 12'—side yard (street side)
<b>Common Area</b>	43,795 total sq. ft.	32,983 total sq. ft.

**Kessler Ridge at New Longview.** The proposal is for the second phase of *Kessler Ridge at New Longview*, a single-family residential development composed of 32 lots and 3 common area tracts on 11.55 acres zoned PMIX (Planned Mixed Use). A preliminary development plan was previously approved for the Kessler Ridge at New Longview development; however the approved plan did not include a portion of property located within the southwest corner of this site. This proposed plan includes the additional acreage and provides for 10 additional lots with significantly reduced lot widths more comparable to the “Traditional Neighborhood Design” product.

The proposed plan will accommodate new residents that can make use of existing and proposed public infrastructure while benefiting from existing services such as schools, parks, and other amenities within the New Longview community. The development also provides continued connections within the existing *Kessler Ridge at New Longview* subdivision to the north and east, along with additional access points to SW Longview Road and SW Longview Blvd.

Staff finds the proposed 32-lot single family development to be compatible with adjacent land uses and appropriate for the site. The subject property is bordered by Kessler Ridge subdivision to the north and east, existing single-family subdivisions to the south and vacant ground/Longview Dairy Barns to the west.

**Development Standards.** The existing PMIX zoning district allows for greater flexibility in development standards (e.g. lot coverage, setbacks, lot sizes, etc.) in order to facilitate adaptation of development to the unique characteristics of a site. The PMIX district also allows for more flexible placement, arrangement and orientation of residential structures. The applicant has proposed standards differing from the typical single family residential zoning district (R-1), but which are consistent with the standards for existing single-family areas of New Longview. The standards will be approved as part of the preliminary development plan. The development standards are more compatible to the “Traditional Neighborhood Design”, as originally envisioned for this area. The proposed design standards include:

- Front, rear, and side yard setbacks that are below the minimum requirements for the R-1 zoning district.
- Architectural home styles, building materials, and colors which are compatible and comparable with the existing New Longview “Traditional Neighborhood Design” residential areas.
- Home characteristics that include front porches and/or stoops and a variety of styles such as: 1 and 2-story Craftsman, French Country, Prairie, and Mediterranean building types.
- Development that incorporates sidewalks on both sides of all streets to encourage the walkability of the neighborhood.

Development standards, including density, lot area, and setbacks shall be as shown on the plan. The table below compares the proposed development standards for Kessler Ridge at New Longview, 2<sup>nd</sup> Plat with the R-1 District standards as outlined in the Unified Development Ordinance.

	<b>Proposed Kessler Ridge at New Longview, 2<sup>nd</sup> Plat in PMIX Lots 56-77</b>	<b>Proposed Kessler Ridge at New Longview, 2<sup>nd</sup> Plat in PMIX Lots 78-87</b>	<b>R-1 District Standards</b>
<b>Density</b>	2.77 total units/acre 32 total units on 11.55 acres		4 units/acre maximum
<b>Lot Size</b>	9,727 sq. ft. (minimum)	6,119 sq. ft. (minimum)	8,400 sq. ft. minimum
<b>Lot Width</b>	69'—minimum	50' (minimum)	70'—minimum
<b>Building Setbacks</b>	20' min.; 25' max.—front yard 5'—side yard 25'—rear yard 15'—side yard (street side)	20' min.; 25' max.—front yard 5'—side yard 25'—rear yard 12'—side yard (street side)	Minimum standards 30'—front yard 7.5'—side yard 30'—rear yard

The proposed subdivision provides a combination of lot styles that are somewhat more similar to the “Traditional Neighborhood Design” (TND) as originally envisioned for this phase of the New Longview Conceptual Plan and a continuation of the *Kessler Ridge at New Longview* subdivision. The proposed plan provides an appropriate transition from the standard R-1 subdivision to the east (Bridlewood) and the TND neighborhoods to the south (New Longview). Staff finds the proposed development standards to be appropriate given the nature of New Longview being modeled as a traditional neighborhood development. Among the characteristics of traditional neighborhood developments that are reflected in the proposed development standards are higher densities (than typically seen in R-1 subdivisions) and reduced building setbacks. Higher densities allow for a more efficient use of land and infrastructure by encouraging development that is more compact than conventional neighborhood development. Reduced building setbacks provide a defined street wall that encourages walk-ability by creating a more inviting pedestrian zone.

**Existing Historic Structure (Saddle Horse Manager’s Office).** The development plan proposes to remove and salvage the historic Saddle Horse Manager’s office. The removal of the structure was approved as part of the New Longview TIF plan and was also previously proposed and discussed in the Kessler Ridge at New Longview preliminary development plan.

### **Code and Ordinance Requirements**

*The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the plan into compliance with the Codes and Ordinances of the City.*



**Engineering**

1. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, streets and erosion and sediment control shall be submitted along with the final plat and approved prior to the approval of the final plat. All public infrastructure must be substantially complete, prior to the issuance of any building permits.
2. A Master Drainage Plan (MDP) shall be submitted and approved in accordance with the City's Design and Construction Manual for all areas of the development, including all surrounding impacted areas, along with the engineering plans for the development. The MDP shall address drainage level of service issues on an individual lot basis.
3. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance).
4. All subdivision-related public improvements must have a Certificate of Final Acceptance prior to approval of the final plat, unless security is provided in the manner set forth in the City's Unified Development Ordinance (UDO) Section 16.340. If security is provided, building permits may be issued upon issuance of a Certificate of Substantial Completion of the public infrastructure as outlined in Section 1000 of the City's Design and Construction Manual.
5. The As-graded Master Drainage Plan shall be submitted to and accepted by the City prior to the issuance of a certificate of substantial completion and the issuance of any building permits for the development.
6. A Land Disturbance Permit shall be obtained from the City if ground breaking will take place prior to the issuance of infrastructure permit or prior to the approval of the final plat/engineering plans.
7. Any cut and / or fill operations, which cause public infrastructure to exceed the maximum / minimum depths of cover shall be mitigated by relocating the infrastructure vertically and / or horizontally to meet the specifications contained within the City's Design and Construction Manual.

**Fire**

8. All issues pertaining to life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to the safety to fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.
9. Homes located on Lots 78-87 shall face SW Merriam Court.

**Planning**

10. A final plat shall be approved and recorded (with the necessary copies returned to Development Services Department) prior to any building permits being issued.
11. No final plat shall be recorded by the developer until the Director of Special Projects and the City Attorney have reviewed and approved the declaration of covenants and restrictions pertaining to common property as prepared in accordance with Section 5.520 of the UDO, and until the Director has received certification from the Missouri Secretary of State verifying the existence and good standing of the property owners' association required by Section 5.510 of the UDO. In addition, the approved Declaration of Covenants, Conditions and Restrictions shall be recorded prior to the recording of the final plat.

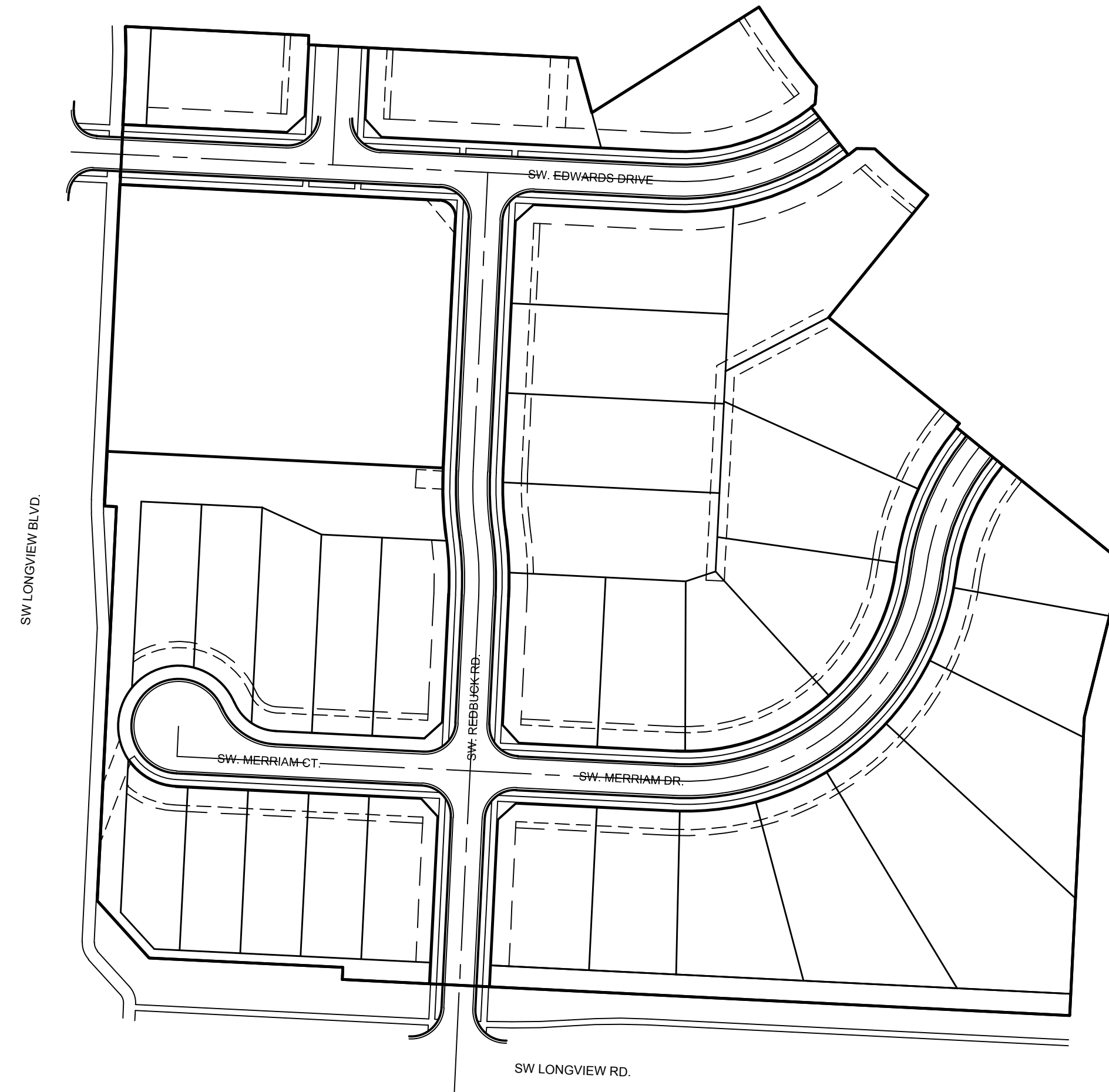
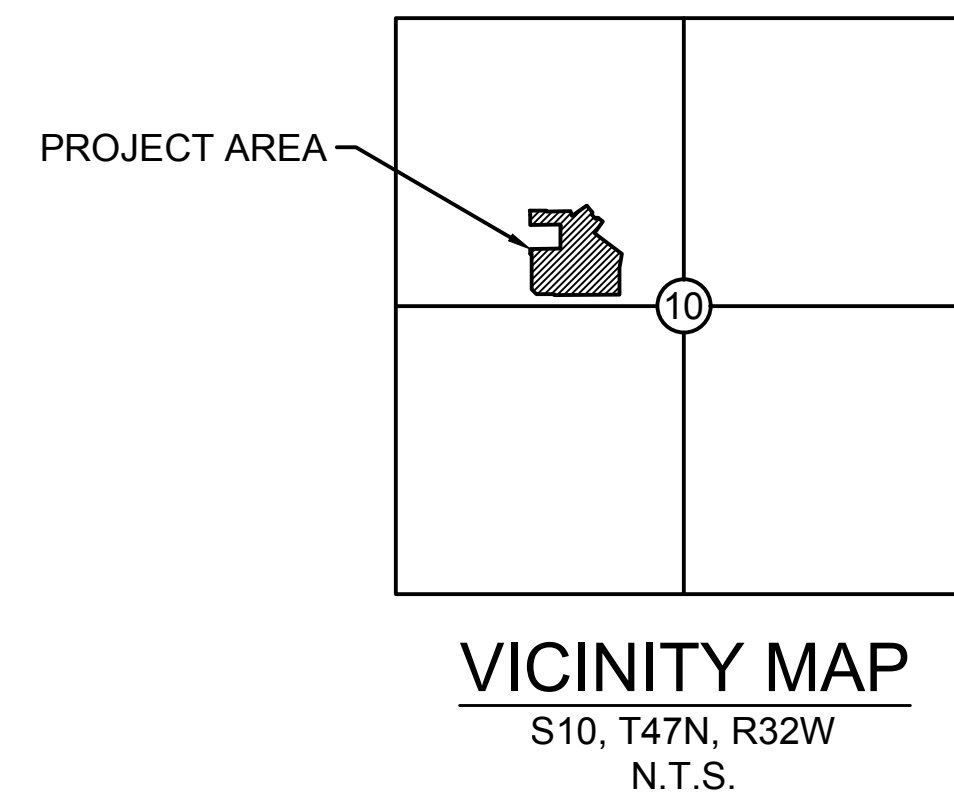
12. Sidewalks shall be located on both sides of SW Merriam Court.
---

Attachments:

1. Transportation Impact Analysis prepared by City Traffic Engineer, dated November 30, 2017—2 pages
2. Preliminary Development Plan (7 pages), consisting of:
  - Cover sheet, date stamped November 1, 2017
  - Existing Conditions, date stamped November 1, 2017
  - Site Plan, date stamped November 1, 2017
  - Grading Plan and Utilities Plan, date stamped November 1, 2017
  - Site Plan-building footprints, date stamped November 1, 2017
  - Building elevations-Lots 56-77, date stamped November 1, 2017—7 pages
3. Single Family Residential Compatibility Form completed by the applicant—3 pages
4. Location Map

KESSLER RIDGE AT NEW LONGVIEW SECOND PLAT  
PRELIMINARY PLAT & PRELIMINARY DEVELOPMENT PLAN  
LOTS 56-87, TRACTS E-G

SECTION 10, TOWNSHIP 47 N, RANGE 32 W  
IN LEE'S SUMMIT, JACKSON COUNTY, MO



INDEX OF SHEETS	
COVER SHEET	01
EXISTING CONDITIONS	02
SITE PLAN	03
PRELIMINARY GRADING & UTILITIES	04
BUILDING ELEVATIONS	05-07

PROPERTY DESCRIPTION:

ALL OF LOT 1, KESSLER RIDGE AT NEW LONGVIEW HISTORIC LOTS 1-2, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI

DEVELOPMENT TEAM CONTACT INFORMATION		
CIVIL ENGINEER		
SHANNON BUSTER, P.E. OLSSON ASSOCIATES	1301 BURLINGTON, SUITE 100 NORTH KANSAS CITY, MO 64116 TEL: 816.587.4320 FAX: 816.587.1393 SBUSTER@OLSSONASSOCIATES.COM	
DEVELOPER		
TODD LIPSCHUTZ INSPIRED HOMES	1301 BURLINGTON, SUITE 150 NORTH KANSAS CITY, MO 64116 TEL: 816-548-3300 FAX: --- TLIPSCHUTZ@INSPIRED-HOMES.COM	

**OLSSON<sup>®</sup>**  
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North Kansas City, MO 64116  
[www.olssonassociates.com](http://www.olssonassociates.com)

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COVER SHEET	
KESSLER RIDGE AT NEW LONGVIEW SECOND PLAT PRELIMINARY PLAT & PRELIMINARY DEVELOPMENT PLAN	
LEE'S SUMMIT, MO	2017

drawn by: C.JH  
checked by: SQB  
designed by: PD  
QA/QC by: MJD  
project no.: 017-0266  
date: 2017.06.30

- CABLE TV**  
CTVP CABLE TV PEDESTAL  
SD SATELLITE DISH
- ELECTRIC**  
AC AIR CONDITIONER  
EB ELECTRIC BOX  
EMT ELECTRIC METER  
EMH ELECTRIC MANHOLE  
EP ELECTRIC PEDESTAL  
EV ELECTRIC VAULT  
GA GUY ANCHOR  
GUY GUY POLE  
LP LIGHT POLE  
PP POWER POLE  
YL YARD LIGHT\FLOOD LIGHT
- GAS**  
GK GAS LINE MARKER  
GM GAS METER  
GR GAS REGULATOR  
GV GAS VALVE
- SANITARY**  
CO SANITARY CLEANOUT  
SMH SANITARY MANHOLE
- STORM**  
AI AREA INLET  
CI CURB INLET  
FD FLOOR DRAIN  
FI FIELD INLET  
GI GRATE INLET  
JB JUNCTION BOX  
RD ROOF DRAIN  
STMH STORM MANHOLE
- TELEPHONE**  
FOM FIBER OPTIC MARKER  
TMK TELEPHONE CABLE MARKER  
TLP TELEPHONE POLE  
TP TELEPHONE PEDESTAL  
TV TELEPHONE VAULT
- WATER**  
FH FIRE HYDRANT  
HB HOSE BIB  
MW MONITOR WELL  
PIV POST INDICATOR VALVE  
SB SPRINKLER CONTROL BOX  
SV SPRINKLER VALVE  
WM WATER METER  
WH WATER MANHOLE  
WMV WATER METER VAULT  
WV WATER VALVE
- PARKING**  
& HANDICAP STALL  
WLS WHEEL STOP  
DYS DOUBLE YELLOW STRIPE  
WS WHITE STRIPE  
YS YELLOW STRIPE
- TRAFFIC**  
SLCB STREET LIGHT BOX  
TSP TRAFFIC SIGNAL POLE  
TSC TRAFFIC SIGNAL CONTROLS  
TSV TRAFFIC SIGNAL VAULT
- SIGNS**  
HS HANDICAP SIGN  
SL SPEED LIMIT SIGN  
SN SIGN  
SS STOP SIGN
- EASEMENTS**  
A.E. ACCESS EASEMENT  
B.M.P. BEST MANAGEMENT PRACTICE  
D.E. STORM DRAINAGE EASEMENT  
L.E. LANDSCAPE EASEMENT  
M.E. MONUMENT EASEMENT  
N.B.E. NO BUILD EASEMENT  
P.E. PEDESTRIAN EASEMENT  
S.D.E. SURFACE DRAINAGE EASEMENT  
S.E. SANITARY SEWER EASEMENT  
U.E. UTILITY EASEMENT  
W.E. WATER EASEMENT

PLAN LEGEND:

- SETBACKS**  
B.S. BUILDING SETBACK  
D.S. DECK SETBACK  
dBA SOUND SETBACK  
F.Y.S. FRONT YARD SETBACK  
L.B. LANDSCAPE BUFFER  
P.S. PARKING SETBACK  
R.Y.S. REAR YARD SETBACK  
S.Y.S. SIDE YARD SETBACK
- SURVEY MARKERS**  
BENCHMARK  
FOUND SECTION CORNER (MONUMENTATION AS NOTED)  
FOUND PROPERTY CORNER (MONUMENTATION AS NOTED)  
FOUND RIGHT-OF-WAY MARKER  
SET 5/8" IRON REBAR WITH ALUMINUM CAP TO BE SET UPON COMPLETION OF CONSTRUCTION.  
SET 1/2" IRON BAR WITH PLASTIC CAP TO BE SET UPON COMPLETION OF CONSTRUCTION. (1/2" BARS WITH CAPS WILL ALSO BE SET ON ALL LOT AND TRACT CORNERS)
- BOUNDARIES**  
SECTION LINE  
EXISTING PROPERTY BOUNDARY  
EXISTING LOT LINE  
EXISTING RIGHT-OF-WAY
- UTILITY LINES**  
EGTV EXISTING CABLE TV, UNDERGROUND  
EEOH EXISTING ELECTRIC, OVERHEAD  
EE EXISTING ELECTRIC, UNDERGROUND  
EFO EXISTING FIBER OPTIC, UNDERGROUND  
EG EXISTING GAS LINE  
ESS EXISTING SANITARY SEWER  
EST EXISTING STORM SEWER  
ETEL EXISTING TELEPHONE, UNDERGROUND  
EW EXISTING WATER LINE
- CONTOURS**  
100 INDEX CONTOURS  
100 INTERMEDIATE CONTOURS
- MISCELLANEOUS**  
BB BASKETBALL GOAL  
BH BORE HOLE  
FENCE, CHAIN LINK  
STEEL OR ALUMINUM  
FENCE; STOCKADE, WOOD,  
VINYL OR PLASTIC  
FENCE; BARBED WIRE OR  
WOVEN WIRE TOPPED  
FP FLAG POLE  
GP GUARD POST  
GR GUARD RAIL  
HDRL HANDRAIL  
HSP HORSESHOE PIT  
LSCP LANDSCAPING  
MB MAILBOX  
MH UTILITY MANHOLE  
PB PARK BENCH  
PT PICNIC TABLE  
RAILROAD TRACKS  
TREE, DECIDUOUS  
TREE, CONIFEROUS  
EXISTING TREELINE  
EXISTING SIDEWALK  
EXISTING BUILDINGS  
EXISTING EDGE OF PAVEMENT  
EXISTING ROADWAY CENTER LINE  
EXISTING CURB & GUTTER  
R RADIUS  
L ARC DISTANCE  
D DELTA / CENTRAL ANGLE  
I.T.B. INITIAL TANGENT BEARING  
N.R. NOT RADIAL  
C/L CENTERLINE  
R/W RIGHT OF WAY  
P/L PLAT LINE  
L/L LOT LINE  
P.O.S. PRIVATE OPEN SPACE

STATE PLANE COORDINATE TABLE			
Point Number	Grid Northing	Grid Easting	
1	304253.566	854617.775	
2	304251.297	854663.913	
3	304248.980	854663.799	
4	304245.659	854731.350	
5	304231.849	854735.070	
6	304258.479	854777.183	
7	304238.593	854791.634	
8	304234.049	854791.257	
9	304233.292	854790.300	
10	304221.236	854799.620	
11	304222.896	854801.684	
12	304222.803	854806.335	
13	304211.143	854819.666	
14	304180.396	854794.679	
15	304153.678	854827.555	
16	304152.720	854826.776	
17	304118.703	854868.634	
18	304079.793	854859.033	
19	304004.784	854855.346	
20	304013.813	854672.306	
21	304016.857	854672.456	
22	304019.259	854623.752	
23	304033.612	854610.703	
24	304132.761	854615.538	
25	304132.909	854612.494	
26	304241.544	854617.791	

TOWER PARK COMMERCIAL  
PHASE 2  
EXISTING LAND USE: HIGH  
DENSITY RESIDENTIAL  
EXISTING ZONING: PMIX

KESSLER 1ST PLAT  
EXISTING LAND USE: AGRICULTURAL  
EXISTING ZONING: PMIX

KESSLER RIDGE AT NEW LONGVIEW - 1ST PLAT  
EXISTING LAND USE: UNDEVELOPED  
EXISTING ZONING: PMIX

BRIDLEWOOD - 7TH PLAT  
EXISTING LAND USE: LOW  
DENSITY RESIDENTIAL  
EXISTING ZONING: R-1

BRIDLEWOOD - 6TH PLAT  
EXISTING LAND USE: LOW  
DENSITY RESIDENTIAL  
EXISTING ZONING: R-1

KESSLER RIDGE AT NEW  
LONGVIEW - 1ST PLAT  
EXISTING LAND USE:  
UNDEVELOPED  
EXISTING ZONING: PMIX

PERGOLA PARK 1ST PLAT  
EXISTING LAND USE: LOW  
DENSITY RESIDENTIAL  
EXISTING ZONING: PMIX

MADISON PARK 1ST PLAT  
EXISTING LAND USE:  
LOW DENSITY RESIDENTIAL  
EXISTING ZONING: PMIX

REDBUCK COURT  
EXISTING LAND USE: LOW  
DENSITY RESIDENTIAL  
EXISTING ZONING: PMIX

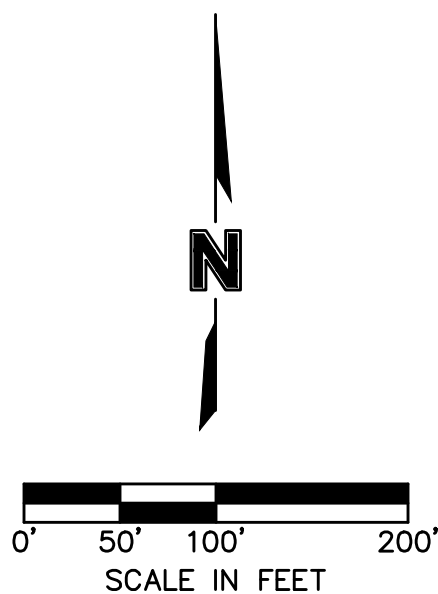
LONGVIEW FARM VILLAS  
EXISTING LAND USE: LOW DENSITY RESIDENTIAL  
EXISTING ZONING: R-1

NOTES:

- EXISTING ZONING: PMIX; EXISTING LAND USE: UNDEVELOPED
- NO OIL OR GAS WELLS ARE LOCATED ON THE PROPERTY. INFORMATION VERIFIED VIA MISSOURI DNR: <https://dnr.mo.gov/geology/geosrv/oilandgas.htm> (UPDATED MAY 2016)
- FEMA FLOODPLAIN DESIGNATION: AREA OF MINIMAL FLOOD HAZARD

HISTORIC HOMES NOTE:

SUNFLOWER DEVELOPMENT GROUP, LLC PURCHASED THE HISTORIC HOMES IN APRIL 2017. STABILIZATION EFFORTS HAVE BEGUN ON THE BARNs AND WORK WILL BEGIN ON THE HOMES IN AUGUST 2017; ALL WORK WILL BE COMPLETE WITHIN 60 DAYS OF THE START DATE. DEPENDING ON TAX REVENUES, A FULL REHAB OF HOMES WILL BE COMPLETE IN THE NEXT THREE TO SIX YEARS.



EXISTING CONDITIONS

KESSLER RIDGE AT NEW LONGVIEW SECOND PLAT  
PRELIMINARY PLAT & PRELIMINARY DEVELOPMENT PLAN

LEE'S SUMMIT, MO

drawn by: CJH  
checked by: SGB  
designed by: ED  
QA/QC by: MJD  
project no.: 017-0266  
date: 2017.06.30

SHEET  
02

**OLSSON**  
ASSOCIATES

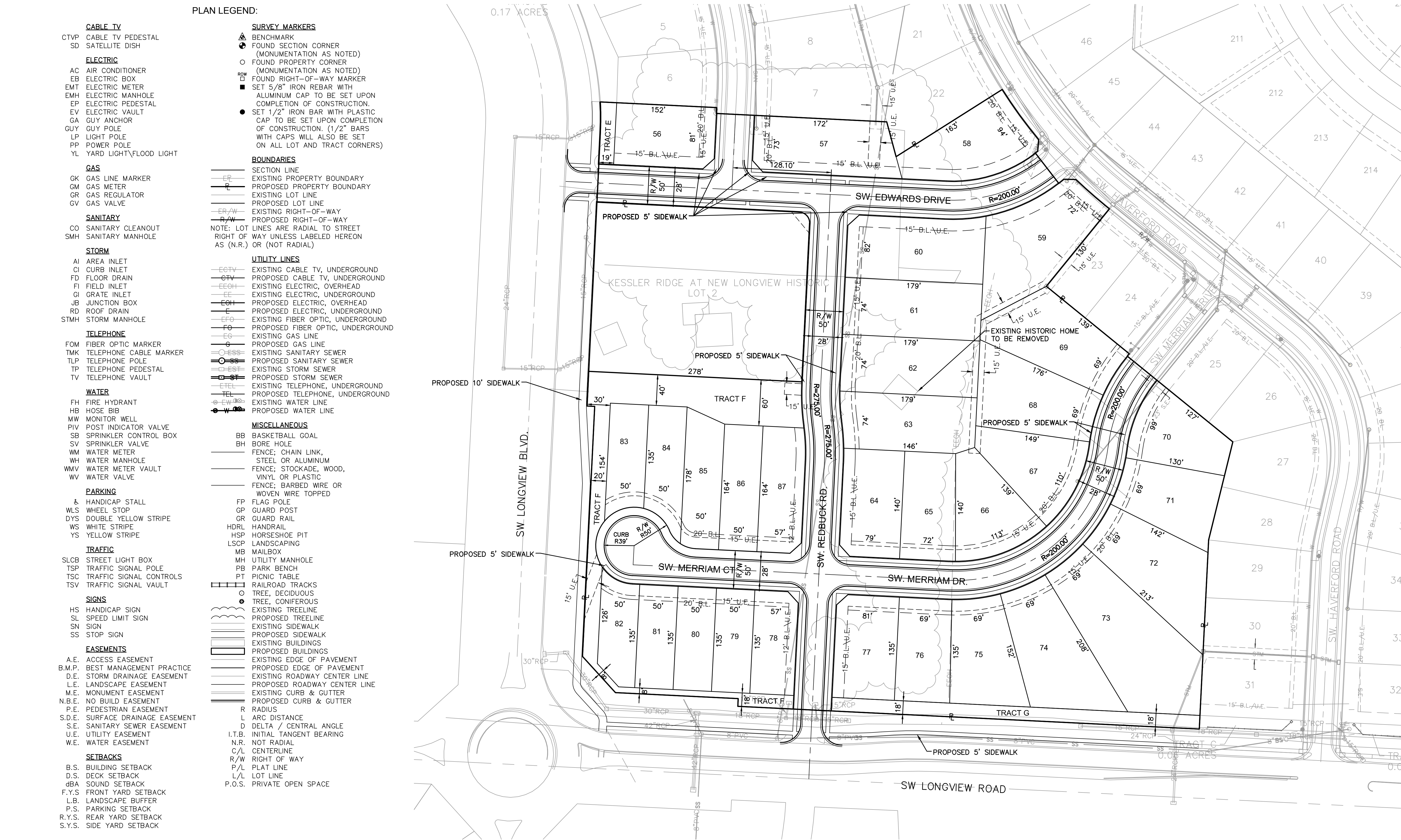
Olsson Associates - Civil Engineering  
MO Certificate of Authority # 001892  
North Kansas City, MO 64116  
TEL 816.897.4390  
FAX 816.897.1393  
www.olsonassociates.com

NO.	REV.	DATE	BY	REVISIONS DESCRIPTION	
				C/JH	C/JH
1		2017.06.01		Revised per Staff comments	
2		2017.06.08		Sheet 03 revised to reflect accurate setback information.	
3		2017.10.12		Revised to reflect design changes (Lots 79-87, Tract F)	
4		2017.10.30		Revised to reflect design changes (Lots 79-87, Tract F)	

REVISIONS

2017

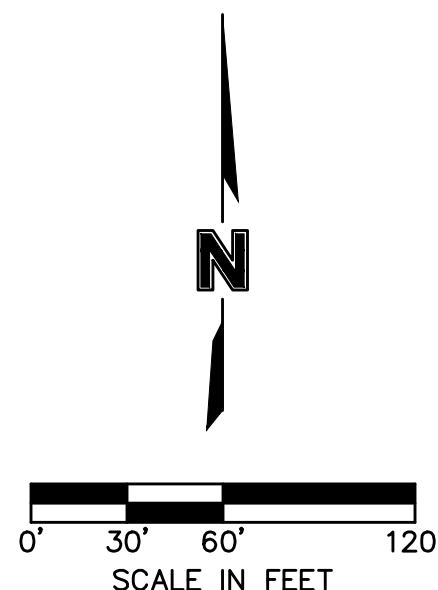




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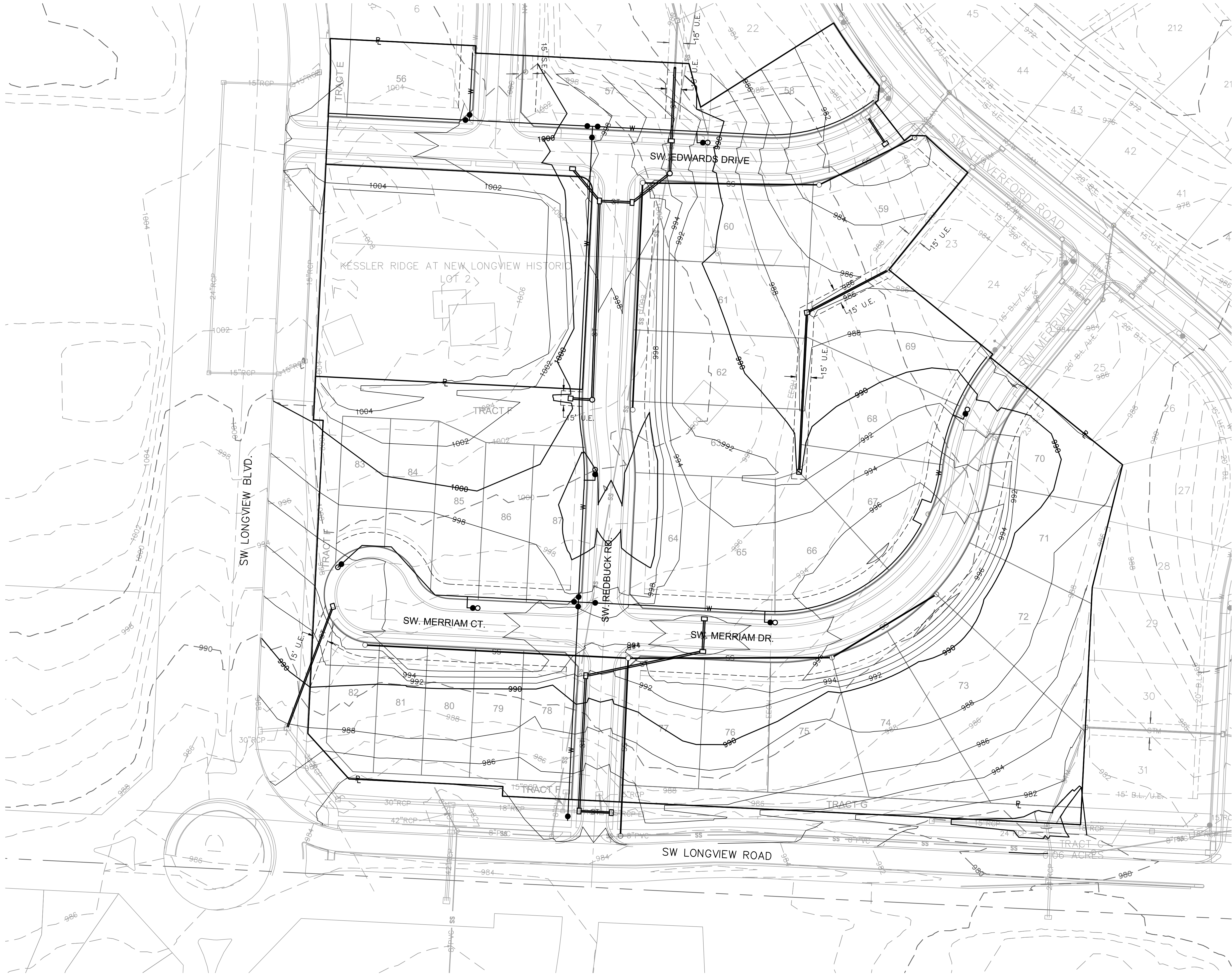
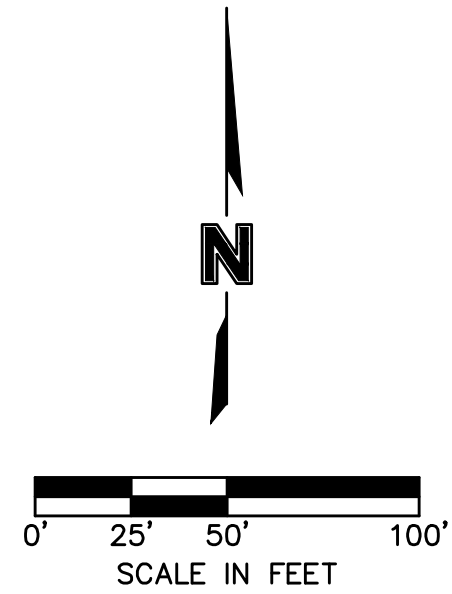
1. BUILDING SETBACKS:  
LOTS 56-77: 20' MIN., 25' MAX. FRONT S.B.; 5' SIDE S.B.; 25' REAR S.B.; CORNER LOTS: 15' SIDE S.B.  
LOTS 78-87: 20' MIN., 25' MAX. FRONT S.B.; 5' SIDE S.B.; 25' REAR S.B.; CORNER LOTS: 12' SIDE S.B.  
-- PORCHES, CANTILEVERS, ROOFS, ROOF OVERHANGS, AND ANY AND ALL BUILDING APPURTENANCES MAY ENCROACH A MAXIMUM OF 8' INTO THE FRONT BUILDING SETBACK.  
2. SCREENING SHALL BE PROVIDED WITHIN TRACT F BETWEEN PUBLIC ALLEY R/W AND SW LONGVIEW BOULEVARD R/W IN THE FORM OF A LANDSCAPE BUFFER OR FENCE.  
3. WALKWAY TRAIL SHALL BE INSTALLED SIMILAR IN CHARACTER TO EXISTING FENCES ALONG SW LONGVIEW ROAD.  
4. ALL DEDICATED COMMON AREA SHALL BE OWNED AND MAINTAINED IN ACCORDANCE WITH ARTICLE 5 OF THE LEE'S SUMMIT UDO. DURING THE PERIOD IN WHICH THE DEVELOPER MAINTAINS EFFECTIVE CONTROL OF THE BOARD OF CONDOMINIUM OR PROPERTY OWNERS' ASSOCIATION, OR OTHER ENTITY APPROVED BY THE GOVERNING BODY, THE DEVELOPER SHALL REMAIN JOINTLY AND SEVERALLY LIABLE FOR THE MAINTENANCE OBLIGATIONS OF THE CONDOMINIUM OR PROPERTY OWNERS' ASSOCIATION.  
5. DEVELOPER IS RESPONSIBLE FOR INSTALLING ALL SIDEWALKS ADJACENT TO TRACTS E, F, AND G AT THE TIME OF INSTALLATION OF PUBLIC INFRASTRUCTURE.

DEVELOPMENT DATA										
LAND USE	GROSS ACRES	STREET R/W (ac.)	OPEN SPACE (ac.)	DETENTION (ac.)	NET ACRES	UNITS	DU/AC. (NET)	DU/AC. (INCL. COMMON AREAS)	COMMENCE DATE	COMPLETION DATE
SINGLE FAMILY	11.55	2.55	0.76	0	8.24	32	3.88	3.56	2017	2019

[illegible]



- PLAN LEGEND:**
- UTILITY LINES**
- EC-TV EXISTING CABLE TV, UNDERGROUND
  - CTV PROPOSED CABLE TV, UNDERGROUND
  - FC-TV FUTURE CABLE TV, UNDERGROUND
  - EE-OH EXISTING ELECTRIC, OVERHEAD
  - EOH PROPOSED ELECTRIC, OVERHEAD
  - E EXISTING ELECTRIC, UNDERGROUND
  - EOH FUTURE ELECTRIC, OVERHEAD
  - FE FUTURE ELECTRIC, UNDERGROUND
  - EFO EXISTING FIBER OPTIC, UNDERGROUND
  - FO PROPOSED FIBER OPTIC, UNDERGROUND
  - FFO FUTURE FIBER OPTIC, UNDERGROUND
  - EG EXISTING GAS LINE
  - G PROPOSED GAS LINE
  - FG FUTURE GAS LINE
  - ESS EXISTING SANITARY SEWER
  - SS PROPOSED SANITARY SEWER
  - FS EXISTING SANITARY SEWER
  - ST PROPOSED STORM SEWER
  - FST FUTURE STORM SEWER
  - ETEL EXISTING TELEPHONE, UNDERGROUND
  - TEL PROPOSED TELEPHONE, UNDERGROUND
  - FTEL FUTURE TELEPHONE, UNDERGROUND
  - EW EXISTING WATER LINE
  - W PROPOSED WATER LINE
  - FW FUTURE WATER LINE
- CONTOURS**
- 100 EXISTING INDEX CONTOURS
  - 100 EXISTING INTERMEDIATE CONTOURS
  - 100 PROPOSED INDEX CONTOURS
  - 100 PROPOSED INTERMEDIATE CONTOURS
  - 100 FUTURE INDEX CONTOURS
  - 100 FUTURE INTERMEDIATE CONTOURS



PRELIMINARY GRADING & UTILITIES		NO. REV.		DATE	REVISIONS DESCRIPTION	BY
KESSLER RIDGE AT NEW LONGVIEW SECOND PLAT PRELIMINARY PLAT & PRELIMINARY DEVELOPMENT PLAN		1	2017.08.01	Revised per Staff comments	C/H	
		2	2017.09.08	Sheet (3) revised to reflect accurate setback information.	C/H	
		3	2017.10.12	Revised to reflect design changes (Lots 79-87, Tract F)	C/H	
		4	2017.10.30	Revised to reflect design changes (Lots 79-87, Tract F)	C/H	
LEE'S SUMMIT, MO		2017		REVISIONS		
drawn by: C/H		checked by: SGB		designed by: MJ		
QA/QC by: MJD		project no.: 017-0266		date: 2017.06.30		
SHEET 04						

Olsson Associates - Civil Engineering  
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DWG: F:\2017\0001-0500\017-0266\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCV\01\_Development Plans\_36x24\C\_ARC02\_170266.dwg  
DATE: Oct 30, 2017 10:39am  
USER: chalmquist



OPUS - CRAFTSMAN



OPUS - PRAIRIE



OPUS - SHINGLE



PROVENANCE - CRAFTSMAN



PROVENANCE - SHINGLE



PROVENANCE - FRENCH COUNTRY



ELYSE - CRAFTSMAN



ELYSE - MEDITERRANEAN



ELYSE - SHINGLE

NO.	REV.	DATE	REVISIONS DESCRIPTION	BY		
				C-JH	C-JH	C-JH
1		2017.08.01	Revised per Staff comments			
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BUILDING ELEVATIONS - LOTS 56-77		2017
KESSLER RIDGE AT NEW LONGVIEW SECOND PLAT PRELIMINARY PLAT & PRELIMINARY DEVELOPMENT PLAN		
LEE'S SUMMIT, MO		

drawn by: C-JH  
checked by: SGB  
designed by: ED  
QA/QC by: MJD  
project no.: 017-0266  
date: 2017.06.30



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DATE: Oct 30, 2017 10:39am  
USER: chalmquist



ASHE - CRAFTSMAN



ASHE - PRAIRIE



BALENTINE - FRENCH COUNTRY



MONTELENA - CRAFTSMAN



MONTELENA - SHINGLE



PECOTA - SHINGLE



SPENCER - CRAFTSMAN



SPENCER - FRENCH COUNTRY

NO.	REV.	DATE	REVISIONS DESCRIPTION	BY
1		2017.08.01	Revised per Staff comments	CJH
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BUILDING ELEVATIONS - LOTS 56-77	2017
KESSLER RIDGE AT NEW LONGVIEW SECOND PLAT PRELIMINARY PLAT & PRELIMINARY DEVELOPMENT PLAN	
LEE'S SUMMIT, MO	

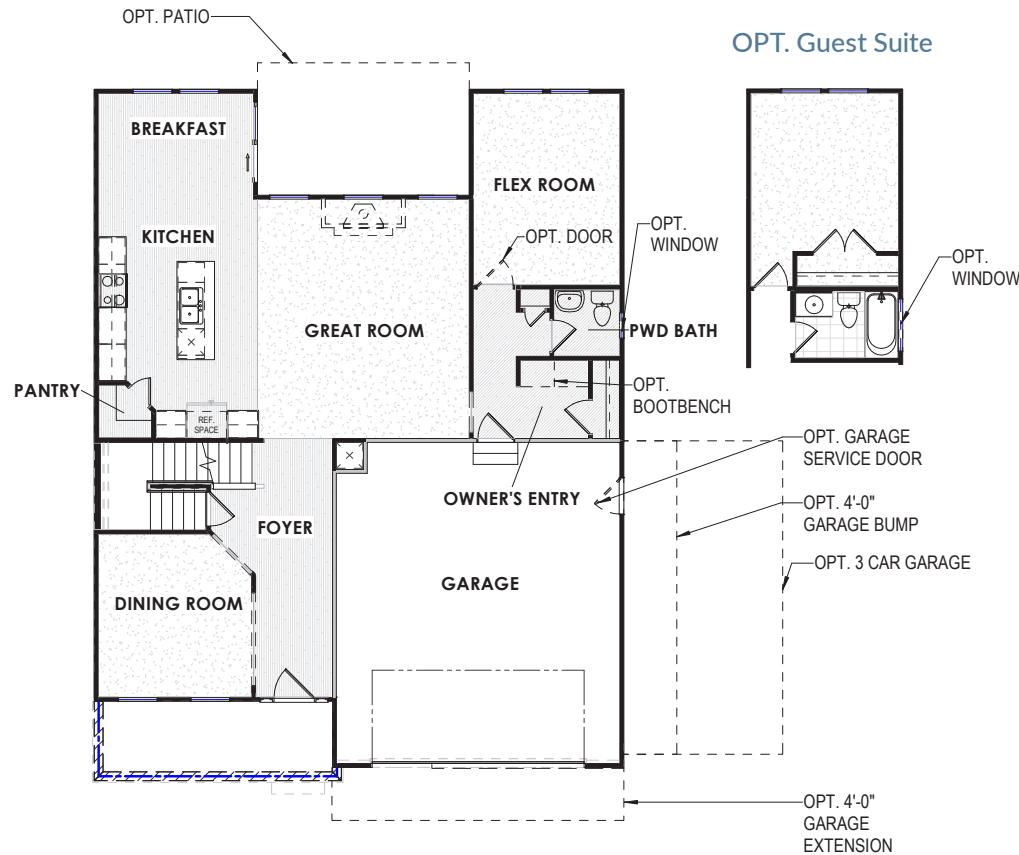
drawn by: CJH  
checked by: SGB  
designed by: ED  
QA/QC by: MJD  
project no.: 017-0266  
date: 2017.06.30



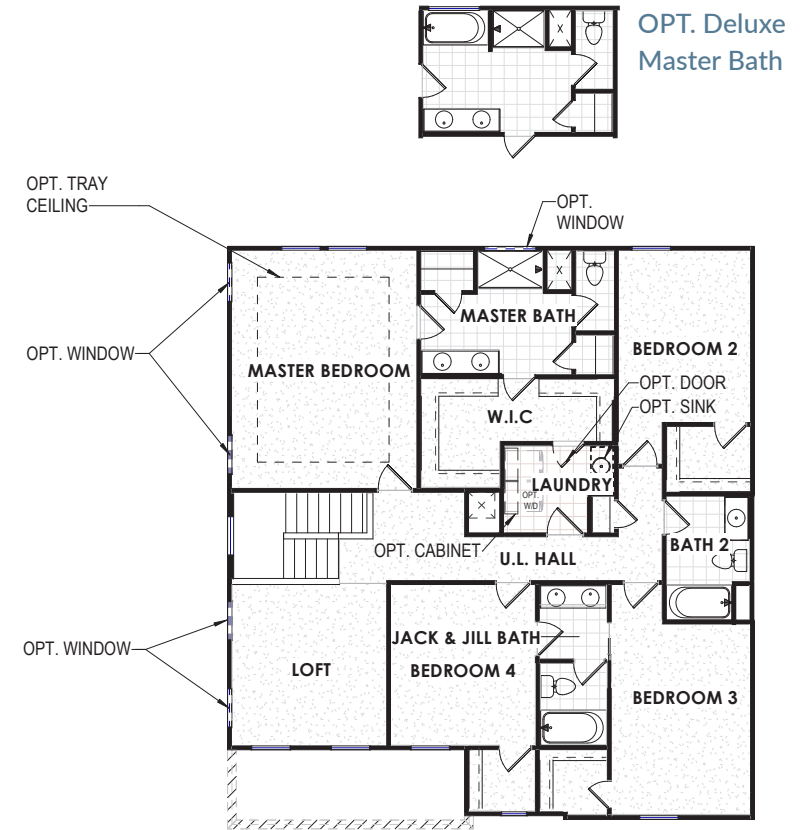
# The Calistoga

2,932 Square Feet | 2 Story | 4 - 5 Bedrooms | 3.5 - 4 Bathrooms

Main Floor



Upper Floor



Note: Window location may vary by elevation



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Kessler Ridge



# The Calistoga

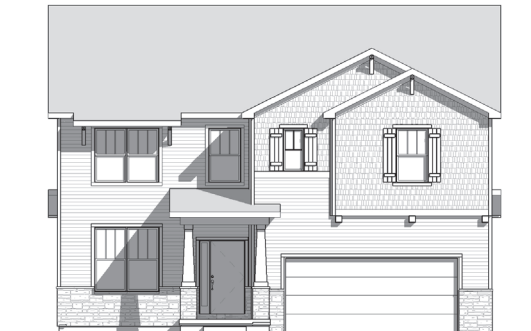
2,932 Square Feet | 2 Story | 4 -5 Bedrooms | 3.5 - 4 Bathrooms



Prairie



Farmhouse



Craftsman



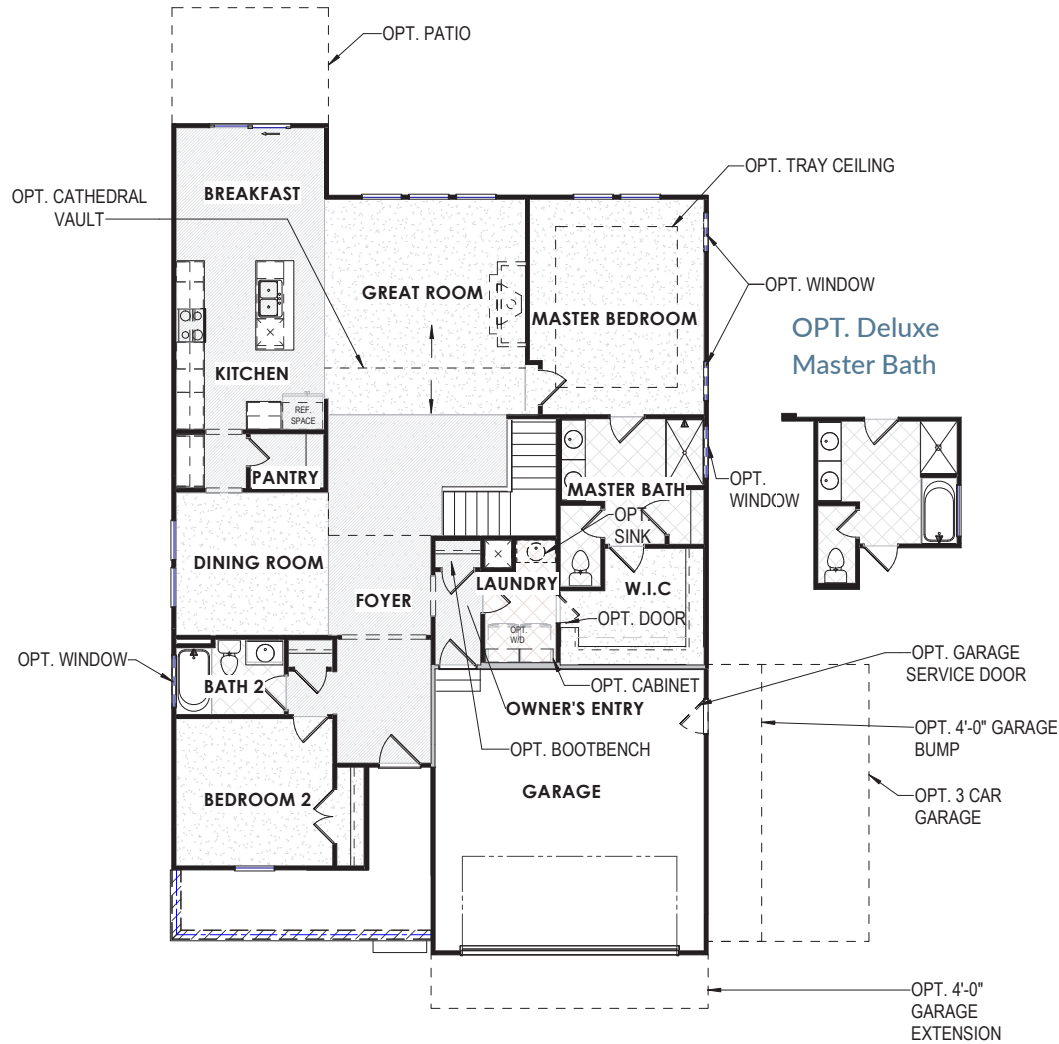
French Country



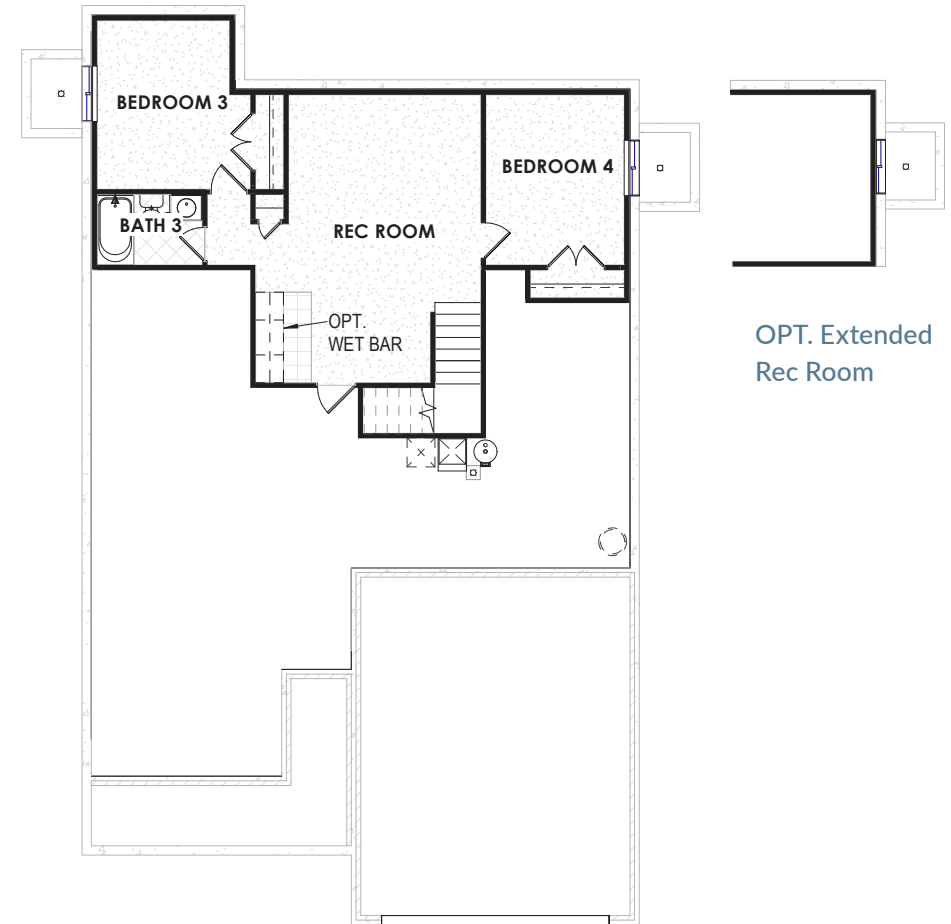
# The Cardinale

2,459 Square Feet | Reverse 1.5 Story | 4 Bedrooms | 3 Bathrooms

Main Floor



Basement Floor



Note: Window location may vary by elevation



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Kessler Ridge



# The Cardinale

2,459 Square Feet | Reverse 1.5 Story | 4 Bedrooms | 3 Bathrooms



Prairie



Farmhouse



Craftsman

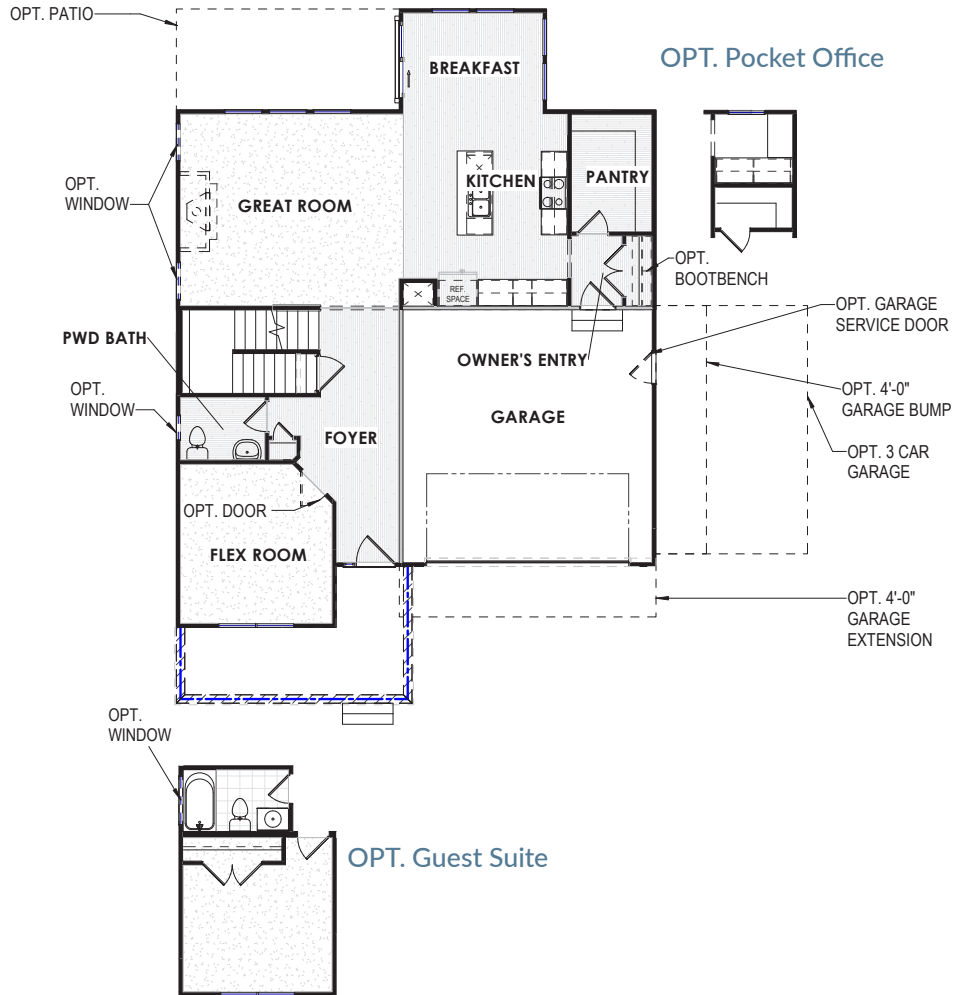


French Country

# The Inglenook

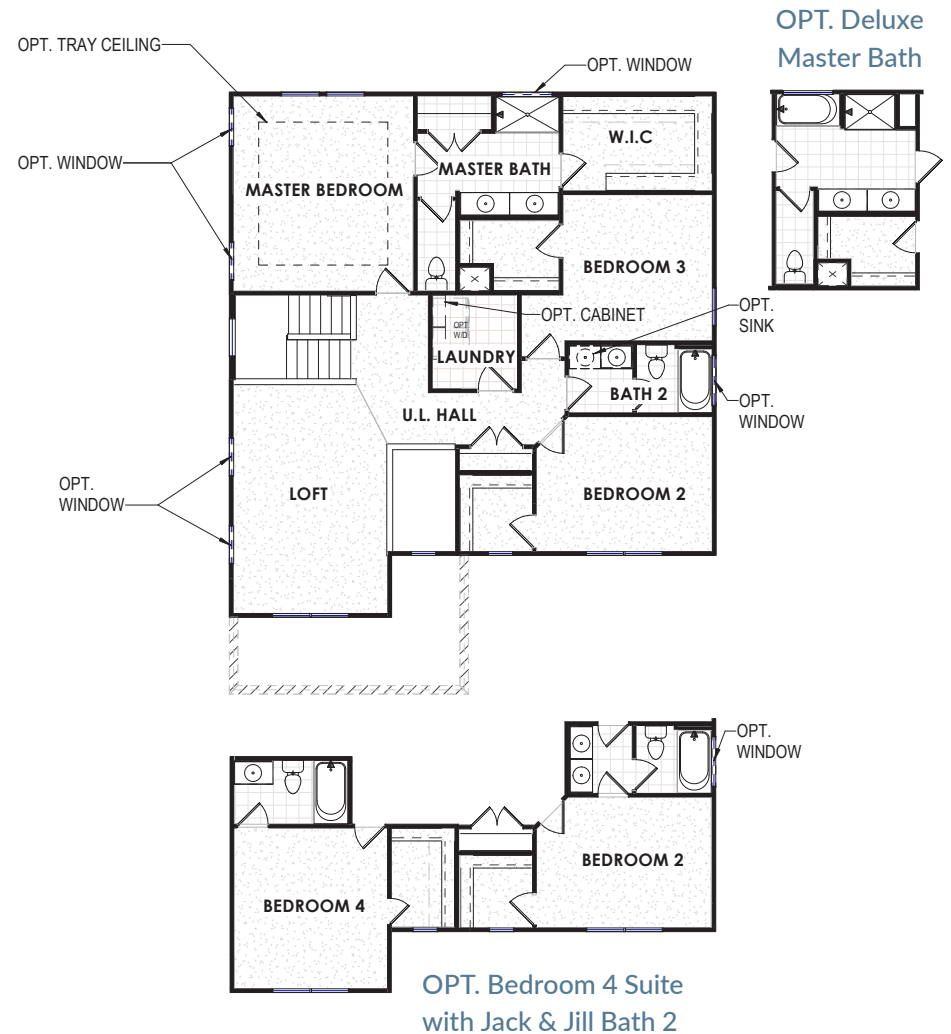
2,490 Square Feet | 2 Story | 3 - 5 Bedrooms | 2.5 - 4 Bathrooms

Main Floor



Note: Window location may vary by elevation

Upper Floor





# The Inglenook

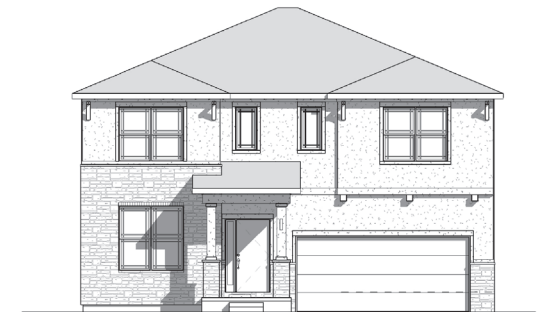
2,490 Square Feet | 2 Story | 3 - 5 Bedrooms | 2.5 - 4 Bathrooms



Craftsman



Farmhouse



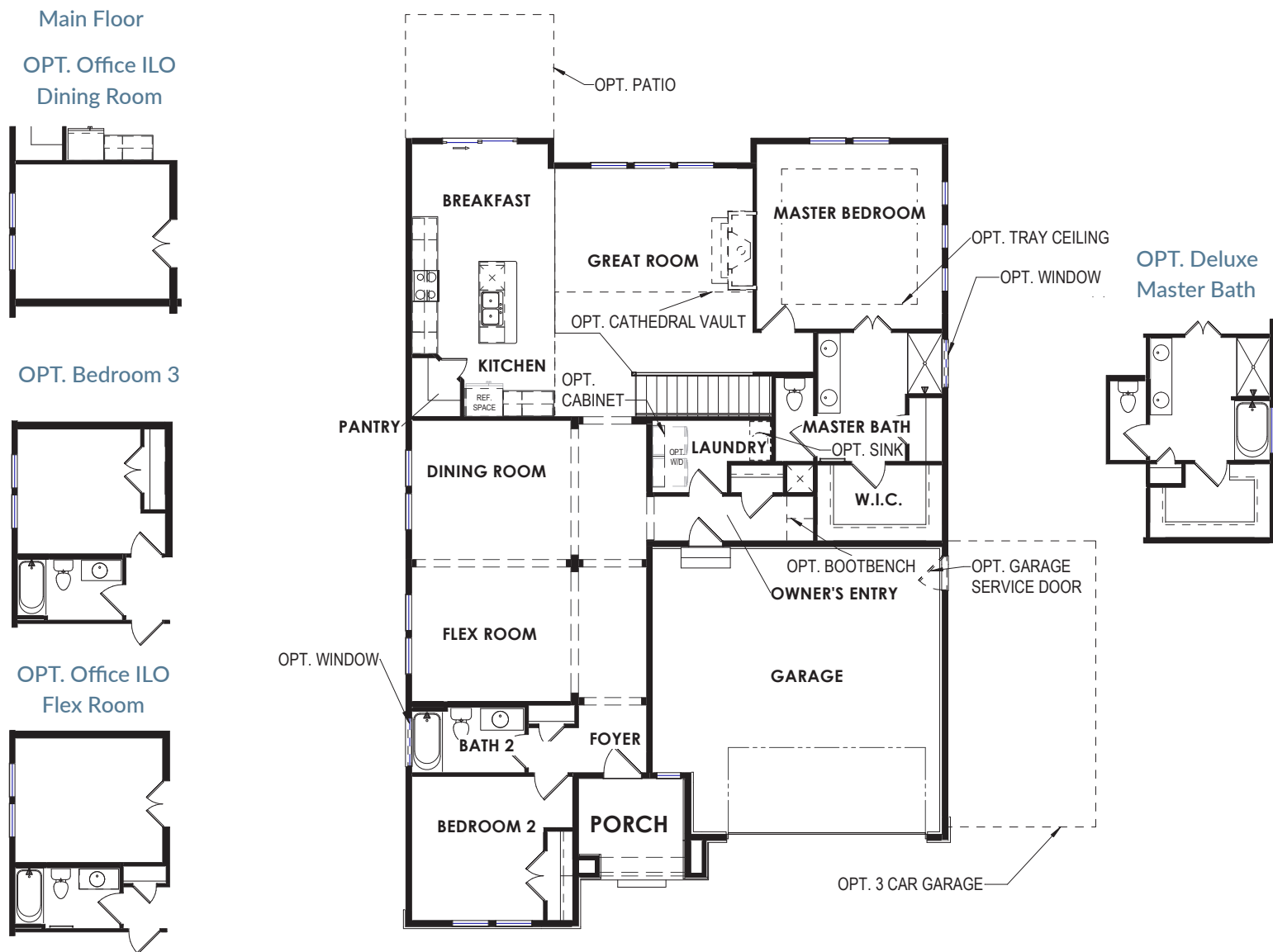
Prairie



French Country

# The Montelena

1,972 Square Feet | Ranch | 2 - 3 Bedrooms | 2 Bathrooms



Note: Window location may vary by elevation



# The Montelena

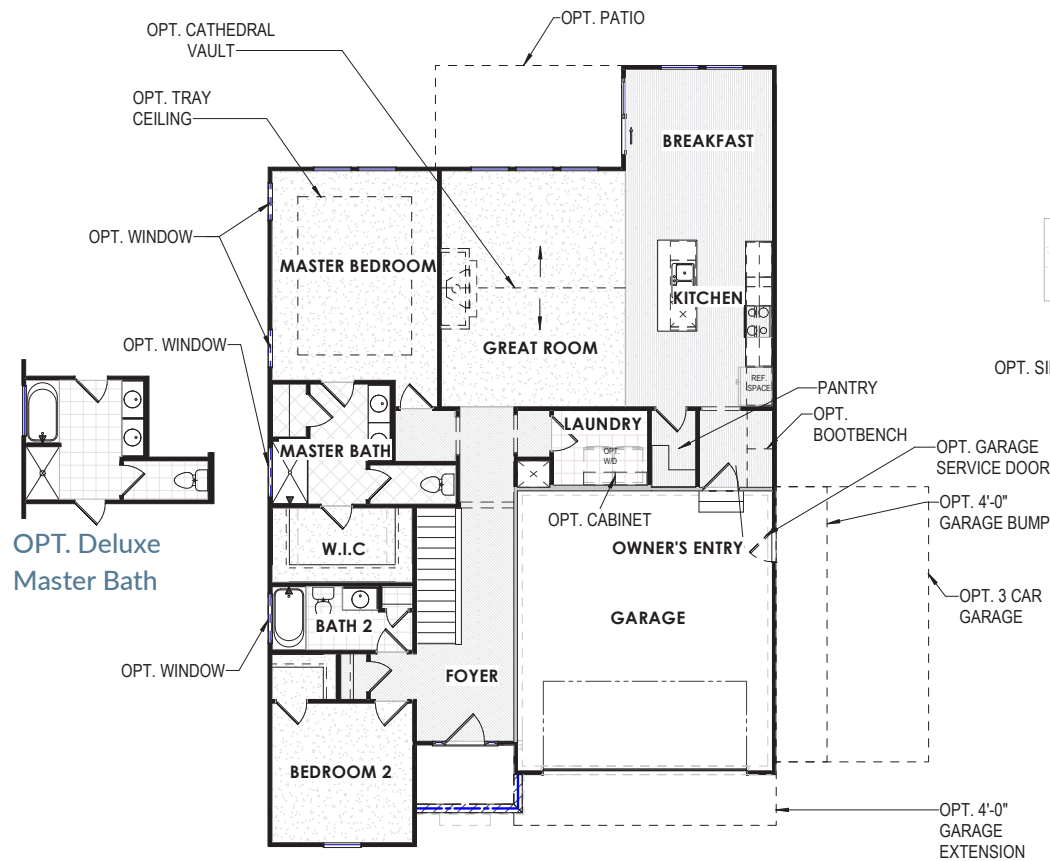
1,972 Square Feet | Ranch | 2 - 3 Bedrooms | 2 Bathrooms



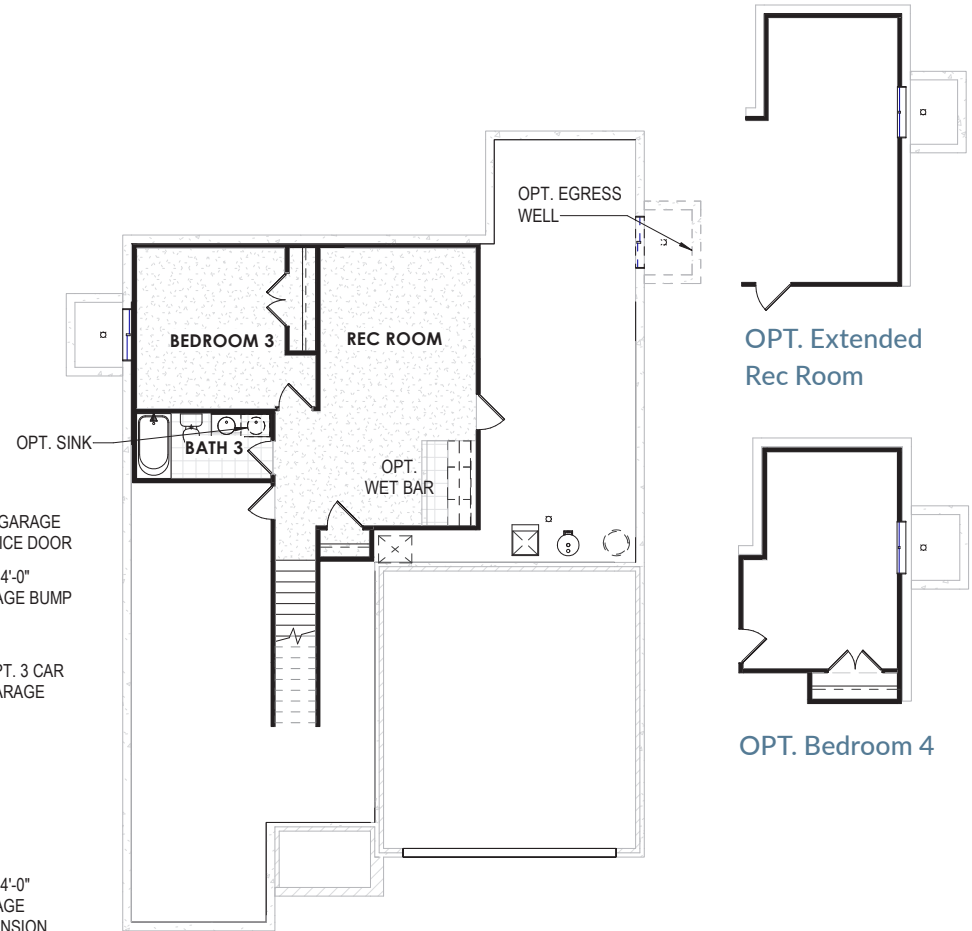
# The Quintessa

2,201 Square Feet | Reverse 1.5 Story | 3 - 4 Bedrooms | 3 Bathrooms

Main Floor



Basement Floor



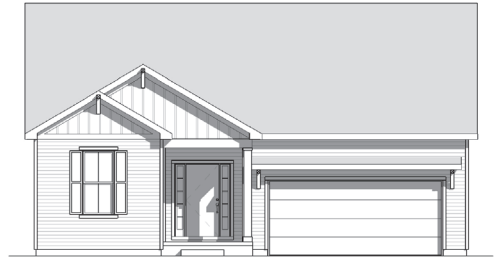
Note: Window location may vary by elevation

# The Quintessa

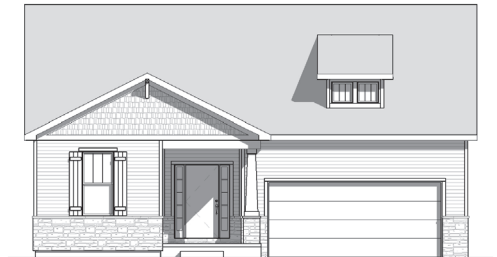
2,201 Square Feet | Reverse 1.5 Story | 3 - 4 Bedrooms | 3 Bathrooms



French Country



Farmhouse



Craftsman



Prairie







## Packet Information

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**File #:** BILL NO. 18-03, **Version:** 1

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AN ORDINANCE APPROVING THE 2018 FACILITY USAGE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, THROUGH THE LEE'S SUMMIT PARKS AND RECREATION BOARD AND JACKSON COUNTY PARKS AND RECREATION FOR THE USE OF CITY FACILITIES AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

Issue/Request:

AN ORDINANCE APPROVING THE 2018 FACILITY USAGE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, THROUGH THE LEE'S SUMMIT PARKS AND RECREATION BOARD AND JACKSON COUNTY PARKS AND RECREATION FOR THE USE OF CITY FACILITIES AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

Key Issues:

Lee's Summit Parks and Recreation (LSPR) and Jackson County Parks and Recreation (JCPR) partner on a number of initiatives to promote and offer recreation activities for residents and patrons in the City and surrounding community.

LSPR and JCPR have previously entered into usage agreements which enable JCPR to utilize LSPR facilities for certain activities for physically and mentally challenged citizens of the community. JCPR wishes to enter into a new agreement with LSPR for calendar year 2018 events.

There is no financial impact on the City for participation in this program. Additionally, the Usage Agreement provides requirements for insurance coverage to be provided by JCPR for their events on LSPR property.

The Usage Agreement also outlines other various terms and conditions governing JCPR's use of LSPR facilities.

Proposed City Council Motion:

I MOVE FOR SECOND READING OF AN ORDINANCE APPROVING THE 2018 FACILITY USAGE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, THROUGH THE LEE'S SUMMIT PARKS AND RECREATION BOARD AND JACKSON COUNTY PARKS AND RECREATION FOR THE USE OF CITY FACILITIES AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

Background:

[Enter text here]



Impact/Analysis:

[Enter text here]

Timeline:

Start: \_\_\_\_

Finish: \_\_\_\_

Other Information/Unique Characteristics:

[Enter text here]

Presenter: Joe Snook, Interim Director of Parks and Recreation

Recommendation: [Enter Recommendation Here]

Committee Recommendation: [Enter Committee Recommendation text Here]

## **BILL NO. 18-03**

---

AN ORDINANCE APPROVING THE 2018 FACILITY USAGE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, THROUGH THE LEE'S SUMMIT PARKS AND RECREATION BOARD AND JACKSON COUNTY PARKS AND RECREATION FOR THE USE OF CITY FACILITIES AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

WHEREAS, the City of Lee's Summit is a constitutional charter City, organized and existing under the laws of the State of Missouri (hereinafter "City"); and,

WHEREAS, the City, by and through the Lee's Summit Parks and Recreation Board (hereinafter "LSPR") regularly partners with Jackson County Parks and Recreation (hereinafter "JCPR") a Missouri governmental entity, for the provision of various activities for residents and patrons of the City and the surrounding community; and,

WHEREAS, one such program provides activities for physically and mentally challenged citizens of the community, said programs being sponsored by JCPR and held at LSPR facilities; and,

WHEREAS, the facilitation of these programs and the use of facilities and grounds between LSPR and JCPR represent a cost effective and efficient use of public funds and lands; and

WHEREAS, the City, through LSPR and JCPR wish to enter into a Usage Agreement outlining the terms and conditions of the use of LSPR property for said JCPR programs for calendar year 2018, a copy of said Usage Agreement being attached hereto as Exhibit A and incorporated herein by reference as though fully set forth.

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

SECTION 1. That the Usage Agreement by and between the City of Lee's Summit, Missouri, through the Lee's Summit Parks and Recreation Board and Jackson County Parks and Recreation, a true and accurate copy of the same being attached hereto as Exhibit A and incorporated herein by reference be and the same is hereby approved, and the Mayor is hereby authorized to execute the same by and on behalf of the City of Lee's Summit, Missouri.

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

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

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

\_\_\_\_\_  
*City Clerk Trisha Fowler Arcuri*

**BILL NO. 18-03**

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

ATTEST:

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*

**AGREEMENT BETWEEN  
CITY OF LEE'S SUMMIT, MISSOURI  
AND  
JACKSON COUNTY PARKS + REC  
USAGE AGREEMENT 2018**

This agreement, made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between the City of Lee's Summit, Missouri by and through the Lee's Summit Parks and Recreation Board (hereinafter "Board") and Jackson County Parks + Rec (hereinafter "JCPR").

Whereas, the Visionary Task Force set forth goals to address the need for programs and activities for the physically and mentally challenged citizens of our community, and

Whereas, the Board and JCPR agree that joint cooperation and partnership of programs and use of facilities and grounds, represents a cost effective and efficient use of public funds and lands, and

Whereas, the use of certain park facilities for the JCPR and the Board is representative of such an agreement.

In consideration of the mutual benefits and provisions set forth herein, the Board and JCPR do hereby agree upon the following terms and conditions:

**Section I: JCPR use of park facilities and grounds**

**Special considerations**

1. The Board will complete preparation of any courts.
2. The Board will complete facility preparation and set up.
3. Unsafe conditions will be decided by the designated representative of JCPR.
4. The Board will be notified immediately of any unsafe conditions.

**Parking**

1. JCPR will strictly regulate the parking of vehicles. Parking attendants shall be provided by JCPR and coordinated with the Inclusion Coordinator or designee for the duration of the activities. No parking is permitted on outer roads and service drives. Violators will be towed at owner's expense.

**Fees**

1. All rental fees incurred by Jackson County Special Pops at LSPR facilities will be waived by LSPR.

**Insurance**

1. Each party to this Agreement shall be solely responsible for any and all actions, suits, damages, liability, or other proceedings brought against it as a result of the alleged negligence, misconduct, error, or omission of any of its trustees, officers, agents, or employees. Neither party is obligated to indemnify the other party or to hold harmless the other party from costs or expenses incurred as a result of such claims. The foregoing provisions shall not be deemed a relinquishment or waiver of any kind of applicable limitations of liability provided or available to the parties under applicable state governmental immunities law and each party shall continue to enjoy all rights, claims, and defenses available to it under law, to specifically include Mo. Rev. Stat. § 537.600, et seq. JCPR shall provide the Board a certificate of insurance indicating coverage naming the City of Lee's Summit, Missouri, as additional insured. This coverage must provide a general aggregate liability of \$2,000,000 to cover all operations included herein. Alternatively, JCPR may elect to self-insure this risk. If JCPR so elects, it shall provide to the Board upon request evidence satisfactory to the Board of said self-insurance.



#### **Damages**

1. JCPR must pay the cost of replacement or repair of any park property damages through the negligence of or the act or actions of the participants or spectators at the events/activities.

#### **Special Rules and Consideration**

1. JCPR will not change or alter park property in any way unless written consent has been granted by the Board.
2. JCPR will adhere to all facility regulations.
3. JCPR will assume the responsibility of maintaining control of their own event and take all necessary steps to prevent the violation of any facility regulations, City ordinances, park regulations, or any act or actions that might be detrimental to the Lee's Summit public parks system. Such regulations and ordinances include, but are not limited to the following: no tobacco use in the parks, food and beverages are not allowed on the gymnasium floor or restrooms, alcohol is not permitted in the buildings or on the park grounds and all fire codes which include not blocking any exits, no parking in the fire line, service drives and not exceeding the Community Center occupancy limit of 600.
4. JCPR will not be allowed to charge a parking fee or gate fee without permission of the Board.
5. Group representative must be on site at all times.
6. Provide, in advance, the Board with any estimated number of participants, spectators and vehicles for events.
7. Requests for additional equipment must be made a minimum of 30 days in advance. If JCPR wish to bring in any equipment it must be approved a minimum of 14 days in advance.
8. All facilities and dates must be requested by JCPR in writing and made a part of this agreement.
9. The Board reserves the right to reschedule for Parks and Recreation usage. A minimum of 24 hours notice will be given (if possible) when this occurs.

#### **Clean Up**

1. JCPR will be responsible for returning facilities and grounds to its original condition. JCPR will be responsible for bagging trash, removing all food or containers, setting out trash, and dry and wet mopping as needed.

#### **Advertising**

1. The Board will provide advertising space when available in the Lee's Summit Illustrated.

#### **Termination**

1. Either party may terminate this agreement with two-week notice.
2. Agreement acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 2017.
3. This agreement in effect until the 31<sup>st</sup> day of December, 2018.



## LEE'S SUMMIT PARKS and RECREATION BOARD

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Joseph Snook.  
 Interim Administrator of Parks and Recreation

## VENDOR/SERVICE PROVIDER

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Printed Name: Michelle Newman

## APPROVED AS TO FORM:

By: \_\_\_\_\_ Date: 12-18-17  
 Assistant City Attorney

Title: Director, Parks + Rec Department

22807 Woods Chapel Rd

Address

Blue Springs, mo 64015

City, State, Zip Code

Tax identification number of band or Signatory  
 Musician (to be used for entertainment contracts  
 only)

## Please list activities/programs:

2018 Activity	Dates	Days	Time	Location
Basketball	1/4, 1/11, 1/18, 1/25	Thursdays	3:30-5:00pm	HPCC
Basketball	2/1, 2/8, 2/15, 2/22	Thursdays	3:30-5:00pm	HPCC
Basketball	3/8, 3/15, 3/22, 3/29	Thursday	3:30-5:00pm	HPCC
Volleyball	4/5, 4/12, 4/19, 4/26	Thursdays	3:30-5:00pm	HPCC
Volleyball	5/3, 5/10	Thursdays	3:30-5:00pm	HPCC
Dance	8/24	Friday	6:00-9:00pm	HPCC
Dance	9/16	Friday	6:00-9:00pm	HPCC
Dance	12/14	Friday	6:00-9:00pm	HPCC

ATTEST:

\_\_\_\_\_   
 Clerk of the County Legislature

APPROVED AS TO FORM

\_\_\_\_\_   
 County Counselor

## Packet Information

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**File #:** BILL NO. 18-04, **Version:** 1

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AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "SIENA AT LONGVIEW, 4<sup>TH</sup> PLAT, LOTS 216A-218A, 224A & 320-328", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

Proposed City Council Motion:

I move for a second reading of AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "SIENA AT LONGVIEW, 4<sup>TH</sup> PLAT, LOTS 216A-218A, 224A & 320-328", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

Committee Recommendation: **PLANNING COMMISSION ACTION:** On motion of Mr. Funk and seconded by Ms. Roberts, the Planning Commission voted unanimously by voice vote to **APPROVE Appl. #PL2017-238 - FINAL PLAT** - Siena at Longview, 4th Plat, Lots 216A-218A, 224A & 320-328; Engineering Solutions, LLC, applicant as part of the Consent Agenda as published.

## **BILL NO. 18-04**

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AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "SIENA AT LONGVIEW, 4<sup>TH</sup> PLAT, LOTS 216A-218A, 224A & 320-328", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application PL2017-238, submitted by Engineering Solutions, LLC, requesting approval of the final plat entitled "Siena at Longview, 4<sup>th</sup> Plat, Lots 216A-218A, 224A & 320-328", was referred to the Planning Commission as required by the Unified Development Ordinance No. 5209; and,

WHEREAS, the Planning Commission considered the final plat on December 12, 2017, and rendered a report to the City Council recommending that the plat be approved.

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

SECTION 1. That the final plat entitled "Siena at Longview, 4<sup>th</sup> Plat, Lots 216A-218A, 224A & 320-328" is a subdivision in Section 15, Township 47N, Range 32W, in Lee's Summit, Missouri more particularly described as follows:

*A tract of land in the Southwest Quarter of Section 15, Township 47 North, Range 32 West, in Lee's Summit, Jackson County, Missouri, being described as follows:*

*All of lots 216, 217, 218, 224, & 229, Siena at Longview Farms 4th Plat, a subdivision as recorded in the office of the Recorder in Jackson County, Missouri.*

*Containing 3.54 Acres more or less.*

SECTION 2. That the proprietor of the above described tract of land ("Proprietor") has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall hereafter be known as "Siena at Longview, 4<sup>th</sup> Plat, Lots 216A-218A, 224A & 320-328".

SECTION 3. That the roads and streets shown on this plat and not heretofore dedicated to public use as thoroughfares shall be dedicated as depicted on the plat. The City Council hereby authorizes the Director of Planning and Special Projects, on behalf of the City of Lee's Summit, Missouri, to accept the land or easements dedicated to the City of Lee's Summit for public use and shown on the accompanying plat, upon the subdivider filing and recording a final plat in accordance with Article 16, Subdivisions, Unified Development Ordinance ("UDO") of the City, which plat shall conform to the accompanying plat, and hereby authorizes acceptance of the public improvements required by this ordinance and Article 16 of the UDO of the City, upon the Director of Public Works certifying to the Director of Planning and Special Projects and the City Clerk that the public improvements have been constructed in accordance with City standards and specifications.

SECTION 4. That the approval granted by this ordinance is done under the authority of Section 89.410.2 of the Revised Statutes of Missouri and Section 16.340 of the UDO because all subdivision-related public improvements required by the UDO have not yet been completed.

## BILL NO. 18-04

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In lieu of the completion and installation of the subdivision-related public improvements prior to the approval of the plat, the Proprietor has, in accordance with Section 16.340 of the UDO, deposited an irrevocable **letter of credit** to secure the actual construction and installation of said public improvements, and the City hereby accepts same. No building permit shall be issued until the required public improvements are available to each lot for which a building permit is requested in accordance with the Design and Construction Manual.

SECTION 5. That an easement shall be granted to the City of Lee's Summit, Missouri, to locate, construct and maintain or to authorize the location, construction, and maintenance of poles, wires, anchors, conduits, and/or structures for water, gas, sanitary sewer, storm sewer, surface drainage channel, electricity, telephone, cable TV, or any other necessary public utility or services, any or all of them, upon, over, or under those areas outlined or designated upon this plat as "Utility Easements" (U.E.) or within any street or thoroughfare dedicated to public use on this plat. Grantor, on behalf of himself, his heirs, his assigns and successors in interest, shall waive, to the fullest extent allowed by law, including, without limitation, Section 527.188, RSMo. (2006), any right to request restoration of rights previously transferred and vacation of any easement granted by this plat.

SECTION 6. That building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be constructed between this line and the street right-of-way line.

SECTION 7. That individual lot owner(s) shall not change or obstruct the drainage flow lines on the lots.

SECTION 8. That the final plat substantially conforms to the approved preliminary development plan and to all applicable requirements of the Code.

SECTION 9. That the City Council for the City of Lee's Summit, Missouri, does hereby approve and accept, as a subdivision to the City of Lee's Summit, Missouri, the final plat entitled "Siena at Longview, 4<sup>th</sup> Plat, Lots 216A-218A, 224A & 320-328", attached hereto and incorporated herein by reference.

SECTION 10. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council for the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

**BILL NO. 18-04**

---

APPROVED by the Mayor of said City this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*





# Blue Ridge Bank and Trust Co.

BlueRidgeBank.com | 816.358.5000

RECEIVED

DEC 22 2017

Development Services

## IRREVOCABLE STANDBY LETTER OF CREDIT NO. 1425 December 19, 2017

City of Lee's Summit  
Finance Department  
Attn: Conrad Lamb, Finance Director  
220 SE Green Street  
Lee's Summit, MO 64063

Issue Date: December 19, 2017

Expiration Date: March 19, 2018

We hereby issue our IRREVOCABLE STANDBY LETTER OF CREDIT ("Letter of Credit") in your favor for the account of SAB Construction, LLC ("Obligee") for a maximum aggregate amount not exceeding Eighty Six Thousand Eight Hundred Twenty Seven and 75/100 (\$86,827.75) representing the following:

See Attached Schedule "A" ("Improvements")

required for Siena at Longview 4<sup>th</sup> Plat ("Project") and according to Engineering Cost Estimate.

The City may draw upon this Letter of Credit upon written notification to the Bank that the Obligee has defaulted in its obligation to the City to construct, install and / or complete the development related Improvements required for the Project by March 19, 2018 ("Initial Expiration Date") or if the Obligee has failed to post a new Letter of Credit or other sufficient security approved by the City's Director of Finance, prior to Initial Expiration Date, securing the construction, installation and / or completion of the Improvements.

The written notification shall be on official City letterhead, signed by the City Manager, the City's Finance Director, or other authorized official of the City. The amount of the Letter of Credit shall be reduced automatically by the amount of any draw hereunder. A copy of this Letter of Credit must accompany any presented documents.

We hereby agree with you that all drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored upon the presentation and delivery of documents as specified to us at the address specified above, no later than the Initial Expiration Date.

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (2007 revision) for the International Chamber of Commerce, ICC Publication No. 500, and to the extent not inconsistent therewith the laws of the State of Missouri, including without limitation the Uniform Commercial Code in effect therein.

Blue Ridge Bank & Trust Co

Sue Hook  
Vice President

# ENGINEERING COST ESTIMATE

## **ENGINEERING SOLUTIONS**

50 SE 30TH STREET  
LEE'S SUMMIT, MO

DATE:  
12/7/2017

PROJECT NAME:

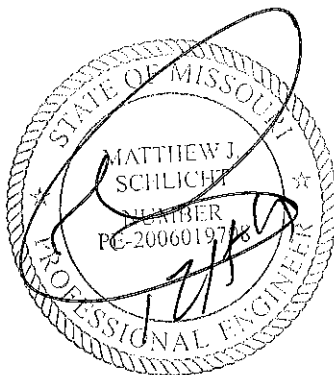
**Siena at Longview 4th Plat**

General Construction

SITE LOCATION:

Logos Drive
Lee's Summit, MO
General Construction

ITEM AND DESCRIPTION	UNIT	ESTIMATED QUANTITY	LABOR AND MATERIAL COST PER UNIT	COST PER ITEM
<b>GENERAL COST ESTIMATE</b>				
ADA SIDEWALK RAMP	UNIT	1.00	750.00	\$ 750.00
5' SIDEWALK	S.F.	1,105.00	4.75	\$ 5,248.75
CLEARING, GRADING & GRUBBING	UNIT	1.00	5,000.00	\$ 5,000.00
SILT FENCE	FT	200.00	1.25	\$ 250.00
INLET PROTECTION	UNIT	2.00	80.00	\$ 160.00
SEEDING / MULCHING/ FERTILIZING	ACRE	0.25	1,000.00	\$ 250.00
<b>SANITARY COST ESTIMATE</b>				
SANITARY PIPE 8" PVC	FT	188.47	32.50	6,125.28
SANITARY PIPE 4" PVC	FT	642.16	29.50	18,943.72
5' DIA. SANITARY MANHOLES	UNIT	2.00	5,000.00	10,000.00
STREET BORE	LF	645.00	60.00	\$ 38,700.00
<b>WATER COST ESTIMATE</b>				
RELOCATE FIRE HYDRANTS	UNIT	1.00	900.00	\$ 900.00
8" C-900 WATER	LF	10.00	50.00	\$ 500.00
<b>TOTAL COST =</b>				<b>\$ 86,827.75</b>



-2017-238 - Final Plat  
-2017-239 - Water  
-2017-240 - Sanitary Sewer

RECEIVED

DEC 07 2017

Development Services

# City of Lee's Summit

## Development Services Department

December 8, 2017

TO: Planning Commission  
PREPARED BY: Shannon McGuire, Planner  
CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services  
RE: **Appl. #PL2017-238 – FINAL PLAT – Siena at Longview, 4<sup>th</sup> Plat, Lots 216A-218A, 224A & 320-328; Engineering Solutions, LLC, applicant**

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### Commentary

This final plat application is for *Siena at Longview, 4th Plat, lots 216A-218A, 224A & 320-328*, located south of the intersection of SW 16<sup>th</sup> St. and SW Corinth Dr. The proposed final plat consists of 13 lots on 3.54 acres. The proposed final plat is substantially consistent with the approved preliminary plat.

- 13 lots on 3.54 acres
- 3.67 units/acre

### Subdivision-Related Public Improvements

In accordance with UDO Section 16.340, prior to an ordinance being placed on a City Council agenda for the approval of a final plat, all subdivision-related public improvements shall be constructed and a Certificate of Final Acceptance shall be issued. In lieu of completion of the public improvements and the issuance of a certificate, financial security (an escrow secured with cash, an irrevocable letter of credit, or a surety bond) may be provided to the City to secure the completion of all public improvements.

A Certificate of Final Acceptance has not been issued for the subdivision-related public infrastructure, nor has any form of financial security been received to secure the completion of the public improvements. This application will be placed on hold following Planning Commission action until the infrastructure requirements are met.

### Recommendation

Staff recommends <b>APPROVAL</b> of the final plat.
---

### Zoning and Land Use Information

<p><b>Location:</b> south of the intersection of SW 16th St. and SW Corinth Dr.</p>
---

<p><b>Zoning:</b> RP-3 (Planned Residential Mixed Use District)</p>
---

<p><b>Surrounding zoning and use:</b></p>
---

<p><b>North:</b> RP-3 (Planned Residential Mixed Use District) — Siena at Longview subdivision</p>
--

<p><b>South:</b> CP-2 (Planned Community Commercial District) – Vacant ground (City owned)</p>
--

<p><b>East:</b> R-1 (Single-Family Residential)—vacant ground</p>
---

<p><b>West:</b> RP-3 (Planned Residential Mixed Use District) — Siena at Longview subdivision</p>
---

## Project Information

**Current Use:** undeveloped phase of Siena at Longview single-family subdivision

**Proposed Use:** final phase of single-family subdivision

**Land Area:** 3.54 acres (154,202.4sq. ft.)

**Number of Lots:** 13 lots

**Density:** 3.67 units/acre

## Process

**Procedure:** The Planning Commission makes a recommendation to the City Council on the final plat within thirty (30) days after the application is submitted to the Planning Commission. The City Council takes final action on the final plat in the form of an ordinance.

**Duration of Validity:** Final plat approval shall become null and void if the plat is not recorded within one (1) year from the date of City Council approval.

The Director of Planning and Special Projects may administratively grant a one (1) year extension, provided no changes have been made to any City ordinance, regulation or approved engineering plans that would require a change in the final plat.

The City Council may grant one additional one (1) year extension, provided that additional engineering plans may be required by the City Engineer to comply with current City ordinances and regulations.

## Unified Development Ordinance

Applicable Section(s)	Description
5.120	RP-3 (Planned Residential Mixed Use District)
16.140, 16.150	Final Plats

## Background

- March 4, 1986 – The City Council approved the rezoning (Appl. #1985-068) from R-1 to CP-2 and RP-3, as well as a concept plan for the Longview Farm property. This plan consisted of single family residential, apartments, office and retail spaces. Although approved, the concept plan was never constructed. The existing CP-2 zoning on the subject property was established as part of this rezoning.
- May 13, 1999 – The City Council approved the preliminary site plan (Appl. #1999-168) for the Carriage Homes development. This application was for 61 duplexes (122 units) on 27.44 acres of existing RP-3 zoned land located at the northeast corner of Sampson Rd and Scherer Rd.
- July 1, 1999 – The City Council approved the final site plan (Appl. #1999-164) for the Carriage Homes development. These units were never constructed.
- September 21, 2000 – The City Council approved the preliminary (Appl. #2000-168) and final (Appl. #2000-170) site plans for the Siena at Longview subdivision.
- September 26, 2000 – The Planning Commission approved the preliminary plat (Appl. #2000-169) for *Siena at Longview, Blocks 1-7 and Tracts A, B and C*.

- October 12, 2000 – The City Council approved the final plat (Appl. #2000-171) for *Siena at Longview, Blocks 1-7 and Tracts A, B and C* by Ordinance No. 5048.
- December 7, 2017 – The City Council approved the rezoning from CP-2 to RP-3 and preliminary development plan (Appl. #PL2017-174) of *Siena at Longview, Lot 291* by Ordinance No. 17-236.

## **Code and Ordinance Requirements to be met Following Approval**

*The items in the box below are specific to this subdivision and must be satisfactorily addressed in order to bring this plat into compliance with the Codes and Ordinances of the City.*

### **Engineering**

1. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, streets and erosion and sediment control shall be submitted along with the final plat and approved prior to the approval of the final plat. All public infrastructure must be substantially complete, prior to the issuance of any building permits.
2. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the associated engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
3. All subdivision-related public improvements must have a Certificate of Final Acceptance prior to approval of the final plat, unless security is provided in the manner set forth in the City's Unified Development Ordinance (UDO) Section 16.340. If security is provided, building permits may be issued upon issuance of a Certificate of Substantial Completion of the public infrastructure as outlined in Section 1000 of the City's Design and Construction Manual.
4. A land disturbance permit shall be obtained from the City if groundbreaking will take place prior to the issuance of an infrastructure permit or prior to the approval of the engineering plans.
5. The note concerning the Master Drainage Plan and the note concerning the maintenance of detention basins shall be removed from the plat prior to approval. There are no detention basins associated with this plat, and there shall be no Master Drainage Plan associated with this plat.

### **Planning**

6. A final plat shall be approved and recorded prior to any building permits being issued. All subdivision-related public improvements must be complete prior to approval of the final plat by the City Council unless security is provided in the manner set forth in UDO Section 16.340.
7. Correct City Engineer's signature block to reflect George Binger, III, P.E. City Engineer.
8. Update Planning Commission Secretary's signature block to reflect current Secretary, Dana Arth.

#### **Attachments:**

1. Final Plat, date stamped November 20, 2017
2. Location Map



**DEDICATION:**  
THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DESCRIBED HEREIN HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT. SAID SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOW AS:  
**SIENA AT LONGVIEW 4TH PLAT**

**EASEMENTS:**  
AN EASEMENT OR LICENSE IS HEREBY GRANTED TO CITY OF LEE'S SUMMIT, MISSOURI TO LOCATE, CONSTRUCT, AND MAINTAIN, OR TO AUTHORIZE THE LOCATION, CONSTRUCTION AND MAINTENANCE OF POLES, WIRES, ANCHORS, CONDUITS, AND/OR STRUCTURES FOR WATER, GAS, SANITARY SEWER, STORM SEWER, SURFACE DRAINAGE CHANNEL, ELECTRICITY, TELEPHONE, CABLE TELEVISION, OR ANY OTHER NECESSARY PUBLIC UTILITY OR SERVICES, ANY OR ALL OF THEM, UPON, OVER, OR UNDER THOSE AREAS OUTLINED OR DESIGNATED UPON THIS PLAT AS "UTILITY EASEMENTS" (U.E.) OR WITHIN ANY STREET OR THOROUGHFARE DEDICATED TO PUBLIC USE ON THIS PLAT. GRANTOR, ON BEHALF OF HIMSELF, HIS HEIRS, HIS ASSIGNS AND SUCCESSORS IN INTEREST, HEREBY WAIVES, TO THE FULLEST EXTENT ALLOWED BY LAW, INCLUDING, WITHOUT LIMITATION, SECTION 527.1888 RSMo. (2006), ANY RIGHT TO REQUEST RESTORATION OF RIGHTS PREVIOUSLY TRANSFERRED AND VACATION OF THE EASEMENT HEREIN GRANTED.

**BUILDING LINES:**  
BUILDING LINES OR SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE CONSTRUCTED BETWEEN THIS LINE AND THE STREET RIGHT OF WAY LINE.

**STREETS:**  
NO NEW STREET RIGHT OF WAYS  
**COMMON AREA**  
NONE WILL BE CREATED BY THIS PLAT  
**1% ANNUAL CHANCE FLOOD PLAN**  
PROJECT SITE IS LOCATED OUTSIDE OF THE 1% ANNUAL FLOOD LIMITS, AREAS OUTSIDE THE 100 YEAR FLOOD LIMITS, PER MAP NUMBER 29095C0414G, EFFECTIVE JANUARY 20, 2017

**IN TESTIMONY WHEREOF:**  
SIENA DEVELOPMENT GROUP, L.L.C, A MISSOURI LIMITED LIABILITY COMPANY, OWNER OF LOTS 217-218, 224 & 291 HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MEMBER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

SIENA DEVELOPMENT GROUP, L.L.C.

SCOTT BAMESBERGER, MEMBER

**NOTARY CERTIFICATION:**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ JSS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED **SCOTT BAMESBERGER**, TO ME PERSONALLY KNOWN AND WHO BEING BY ME DULY SWORN BY ME DID SAY THAT HE IS A MEMBER OF SIENA DEVELOPMENT GROUP, L.L.C., A MISSOURI LIMITED LIABILITY COMPANY, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID COMPANY AND AS THE FREE ACT AND DEED OF SAID COMPANY.

**IN WITNESS THEREOF:**

I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THE DATE LAST WRITTEN ABOVE.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

**PROPERTY DESCRIPTION**

A tract of land in the Southwest Quarter of Section 15, Township 47 North, Range 32 West, in Lee's Summit, Jackson County, Missouri, being described as follows:

Overall Plat Boundary Containing 3.54 acres more or less.  
All of lots 216, 217, 218, 224 & 291, Siena at Longview Farms 2nd Plat, a subdivision as recorded in the Office of the Recorder in Jackson County, Missouri.

**IN TESTIMONY WHEREOF:**  
KRUEGER GARY R  
& EILEEN D-TRUSTEES, OWNER OF LOT 216 HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS OWNER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

GARY R KRUEGER, OWNER

EILEEN KRUEGER, OWNER

**NOTARY CERTIFICATION:**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ JSS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED GARY R KRUEGER AND EILEEN KRUEGER, TO ME PERSONALLY KNOWN AND WHO BEING BY ME DULY SWORN BY ME DID SAY THAT HE IS AN OWNER.

**IN WITNESS THEREOF:**

I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THE DATE LAST WRITTEN ABOVE.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

# FINAL PLAT

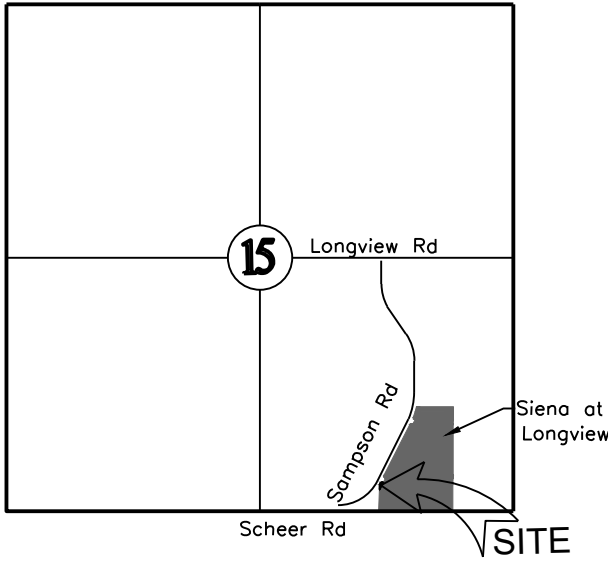
## SIENA AT LONGVIEW 4TH PLAT

### LOTS 216A, 217A, 218A, 224A & 320 - 328

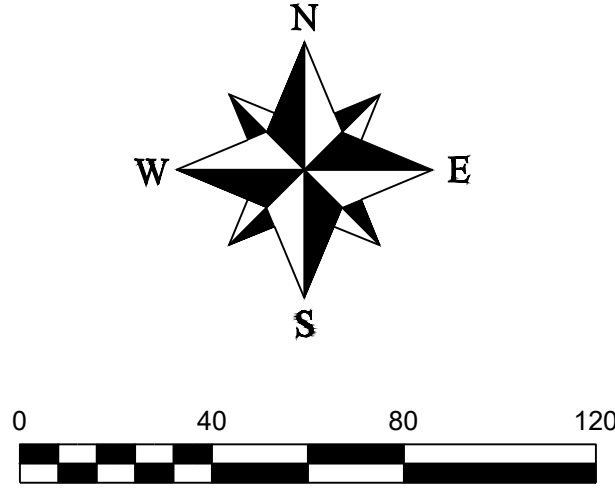
#### A Replat of Lots 216, 217, 218, 224 & 291

#### Siena at Longview 2nd Plat

#### Lee's Summit, Jackson County, Missouri



LOCATION MAP  
SECTION 15-T.47-R.31  
Not to Scale



Missouri State Plane Coordinate System  
1983, Missouri West Zone  
(2003 Adjustment)  
Reference Monument: CA-08  
Combined Scale Factor: 0.9998997

POINT	NORTHING	EASTING
1	280640.741	855118.830
2	280641.507	855121.343
3	280669.276	855212.449
4	280682.055	855254.374
5	280682.275	855255.098
6	280685.455	855265.529
7	280697.736	855305.820
8	280704.291	855327.327
9	280716.000	855362.436
10	280714.992	855362.436
CA08	295023.772	857606.886
CA08AZ	295008.486	857868.230

Coordinates Shown in Meters

**CITY OF LEE'S SUMMIT:**

**MAYOR AND CITY COUNCIL CERTIFICATION:**

THIS IS TO CERTIFY THAT THE ACCOMPANYING PLAT OF SIENA AT LONGVIEW 4TH PLAT LOTS 320 - 328 A Replat of Lots 216, 217, 218, 224 & 291 Siena at Longview 2nd Plat WAS SUBMITTED TO AND DULY APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY ORDINANCE NO. \_\_\_\_\_.

RANDALL L. RHoads, MAYOR DATE \_\_\_\_\_

TRISHA FOWLER ARCURI, CITY CLERK DATE \_\_\_\_\_

**APPROVED:**  
**PUBLIC WORKS / ENGINEERING**

GEORGE BINGER, P.E., CITY ENGINEER DATE \_\_\_\_\_

**PLANNING & CODES ADMINISTRATION**

ROBERT G. McKAY, AICP, DIRECTOR OF PLANNING AND SPECIAL PROJECTS DATE \_\_\_\_\_

**PLANNING COMMISSION**

FRED DeMORO, SECRETARY DATE \_\_\_\_\_

**JACKSON COUNTY:**

**APPROVED: ASSESSOR'S OFFICE**

JACKSON COUNTY ASSESSOR DATE \_\_\_\_\_

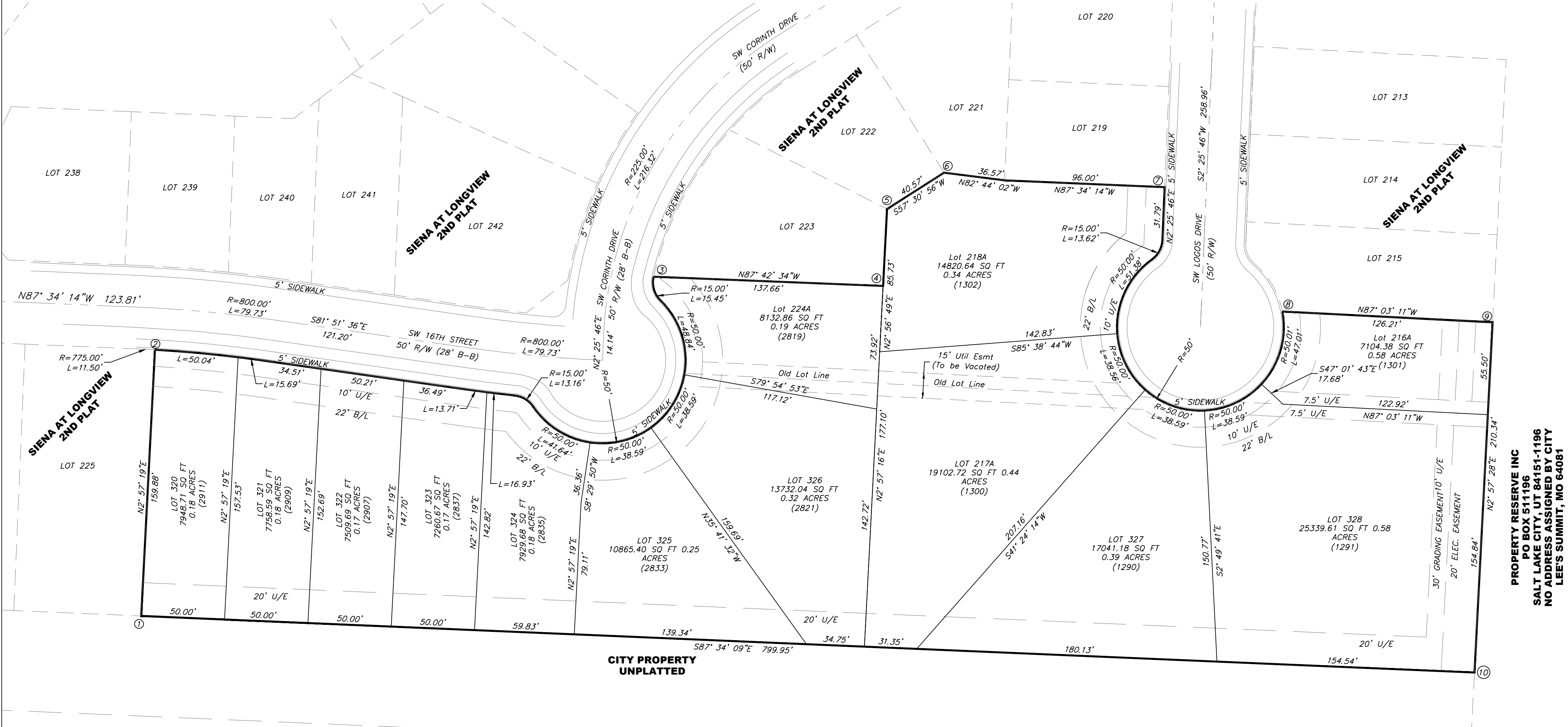
**SURVEY AND PLAT NOTES:**

- THE FOLLOWING STANDARD MONUMENTS WILL BE SET:
  - SEMI-PERMANENT MONUMENTS:  
SET 1/2" IRON BAR WITH PLASTIC CAP MARKED "ENGR 8319" AT ALL REAR LOT CORNERS AND CURBS ARE NOTCHED AT THE PROJECTION OF SIDE LOT LINES.
  - PERMANENT MONUMENTS:  
SET 5/8" IRON BAR WITH ALUMINUM CAP MARKED "ENGR 8319" AT PLAT BOUNDARY CORNERS.
- THIS PROPERTY IS CLASSIFIED SUBURBAN PROPERTY (4 CSR 30-17.0020)
- BEARINGS AND COORDINATES ARE BASED ON KANSAS CITY METRO MONUMENT CA-08 OF THE MISSOURI STATE COORDINATE SYSTEM OF 1983 MISSOURI WEST ZONE, 2003 ADJUSTMENT USING A GRID FACTOR OF 0.9998997. COORDINATES DETERMINED BY GPS METHODS.
- NO OIL OR GAS WELLS ARE KNOWN TO EXIST ON THIS PROPERTY. PER THE "ENVIRONMENTAL IMPACT STUDY OF ABANDONED OIL AND GAS WELLS IN LEE'S SUMMIT, MISSOURI" BY EDWARD ALTON, JR., P.E., 1995.
- THE SUBJECT PROPERTY SURVEYED LIES WITHIN A FLOOD ZONE DESIGNATED ZONE (X), AREAS LOCATED OUTSIDE THE 100 YEAR FLOOD PLAIN, PER F.E.M.A. MAP, PANEL NO. 414 OF 625, COMMUNITY PANEL NO. 29095C0414G EFFECTIVE DATE: JANUARY 20, 2017.
- ALL STORM WATER CONVEYANCE, RETENTION, DETENTION OR WATER QUALITY(BMP) FACILITIES TO BE LOCATED ON COMMON PROPERTY SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNERS' ASSOCIATION IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THE "COVENANTS, CONDITIONS AND RESTRICTIONS" REFER TO THE "COVENANTS, CONDITIONS AND RESTRICTIONS ASSOCIATED WITH THIS DEVELOPMENT FOR REQUIREMENTS
- INDIVIDUAL LOT OWNER(S) SHALL NOT CHANGE OR OBSTRUCT THE DRAINAGE FLOW PATHS ON THE LOTS AS SHOWN ON THE MASTER DRAINAGE PLAN, UNLESS SPECIFIC APPLICATION IS MADE AND APPROVED BY THE CITY ENGINEER.

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE PREMISES DESCRIBED HEREIN WHICH MEETS OR EXCEEDS THE CURRENT "MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" AS JOINTLY ESTABLISHED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, AND LANDSCAPE ARCHITECTS AND THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGICAL SURVEY AND RESOURCE ASSESSMENT AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS PLAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

DATE: \_\_\_\_\_  
MATTHEW J. SCHLICHT, MOPLS 2012000102  
ENGINEERING SOLUTIONS, L.L.C., MO CORP LS 2005008319-D



REVISIONS

DATE	DESCRIPTION

Final Plat  
Siena at Longview 4th Plat - Lots 320 - 328  
Section 15, Township 47 N, Range 32 West  
Lee's Summit, Jackson County, Missouri

Final Plat

SHEET	SECTION	TOWNSHIP	RANGE	COUNTY	JOB NO.
1 OF 1	15	47	32	JACKSON	SIENA AT LONGVIEW
DRAWN BY	M. SCHLICHT	SCALE	1"=40'	DATE OF PREPARATION	August 18, 2017

PROFESSIONAL SEAL

ENGINEERING & SURVEYING  
ENGINEERING SOLUTIONS  
50 SE 30TH STREET  
LEE'S SUMMIT, MO 64882  
P: (616) 623-9888 F: (616) 623-9849



**Appl. #PL2017-238 – FINAL PLAT – Siena at Longview,  
4th Plat, lots 216A, 217A, 218A, 224A & 320-328  
Engineering Solutions, LLC, applicant**



## Packet Information

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**File #:** BILL NO. 17-280, **Version:** 1

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AN ORDINANCE AMENDING THE ECONOMIC DEVELOPMENT INCENTIVE POLICY FOR THE CITY OF LEE'S SUMMIT.

(Note: This Bill was first read on December 21, 2017.)

Issue/Request:

AN ORDINANCE AMENDING THE ECONOMIC DEVELOPMENT INCENTIVE POLICY FOR THE CITY OF LEE'S SUMMIT.

Key Issues:

At the December 14, 2017 City Council meeting staff provided a presentation and review of the proposed amendments to the Economic Development Incentive Policy. The approval of the attached ordinance will incorporate the amendments into the Policy.

Proposed City Council Motion:

AN ORDINANCE AMENDING THE ECONOMIC DEVELOPMENT INCENTIVE POLICY FOR THE CITY OF LEE'S SUMMIT - I move for second reading.

Background:

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

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

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

In August 2017, staff presented the Community and Economic Development Committee (CEDC) with an overview of the City's Economic Development Incentive Policy and how it has been utilized. In addition, staff provided suggestions to the CEDC for consideration and received feedback to incorporate these suggested changes within the Policy.

On September 8, 2017 staff presented the CEDC with proposed amendments incorporated into the Policy along with an ordinance to consider for recommendation to full City Council. The CEDC recommended the Council approve the amendments to the Policy and requested staff provide a presentation first to the City Council, prior to the City Council considering the ordinance to adopt the proposed amendments.

Presenter: Mark Dunning, Assistant City Manager

Recommendation: Staff recommends approval of the ordinance

Committee Recommendation:

The Community and Economic Development Committee recommended the Council approve the amendments to the Economic Development Incentive Policy after staff presented an overview of the Policy and proposed amendments to the City Council.



## **BILL NO. 17-280**

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AN ORDINANCE AMENDING THE ECONOMIC DEVELOPMENT INCENTIVE POLICY FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, on February 19, 2015, the City Council of the City of Lee's Summit, Missouri passed Ordinance No. 7588, which adopted an Economic Development Incentive Policy for the City of Lee's Summit; and,

WHEREAS, the City Council adopted the first amendment to the Economic Development Incentive Policy by passage of Ordinance No. 7725 on October 1, 2015; and,

WHEREAS, a series of Administrative Updates to the Economic Development Incentive Policy were completed by City Staff on June 21, 2016; and,

WHEREAS, the Economic Development Incentive Policy was created to inform prospective investors and developers of the City's development goals and outcomes while also providing a more efficient process for review and approval of various development incentive requests; and,

WHEREAS, the City Council now wishes to adopt a second series of amendments to the Economic Development Incentive Policy to achieve the following:

- 1) Incorporate language and information regarding targeted areas for redevelopment within the community and update language to more accurately reflect the current status of various targeted areas;
- 2) Clarify that incentive requests may be considered for projects outside of targeted areas;
- 3) Update the Community Profile to more accurately reflect current population, demographics, and new developments to the City;
- 4) Provide clarification through various language updates;
- 5) Identify various priorities within guidelines and provide updates to guidelines;
- 6) Update the Policies applicable to the application and approval process to include pre-application conferences with staff prior to a conceptual presentation to the City Council;
- 7) Provide revisions and updates to guidelines for developers and applicants;
- 8) Identify revisions to general policy language; and,
- 9) Clearly label exhibits contained within the document.

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

SECTION 1. That the Economic Development Incentive Policy attached hereto as Exhibit A and incorporated herein by reference as if fully set forth herein be and is hereby approved and adopted by the City of Lee's Summit, Missouri.

SECTION 2. That said Exhibit A shall hereby supersede the prior Economic Development Policy previously adopted by Ordinance No. 7725.



## **BILL NO. 17-280**

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

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

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*



# Economic Development Incentive Policy



**LEE'S SUMMIT**  
MISSOURI

**Adopted by ordinance #7588 on;**

**February 19, 2015**

**Amended on;**

**October 1, 2015**

**November 16, 2017**

**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	\$5m New / \$3m Existing	**25%
	CID	X		X	X	Public Improvement Required	up to 1 cent
	NID	X		X	X	Public Improvement Required	Special Assessment
	TDD	X		X	X	Public Improvement Required	up to 1 cent
	Chapter 100	X		X	X	\$5m New / \$3m Existing	50% - 10 yrs
	Chapter 353	X		X	X	\$5m New / \$3m Existing	50% - 10 yrs
	LCRA	X		X	X	\$500k	50% - 10 yrs
	Sales Tax Reimbursement			X	X	\$250k (Public Improvements)	up to 1/2 cent
	Site Specific Incentives	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/REDEVELOPMENT

The Mayor and City Council has established targeted areas for development or redevelopment. **These targeted areas were defined to help inform investors of 'where' development and redevelopment is most desired.** Incentive requests may be considered for projects outside of these targeted areas. 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 connecting NE Douglas Street to NW Ward Rd. Sewer and water infrastructure exists to serve the general area. Significant efforts are underway to continue mixed-use development in and around the Summit Technology Campus with the recently completed Missouri Innovation Campus and Holiday Inn Express, and current construction of the 308 unit luxury multi-family Summit Square Apartments. 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). 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 Municipal Airport where fuel sales and hanger rental is available. Airport improvements include a 5,500 ft. grooved concrete runway with a 4,000 ft. cross wind runway, improved airfield lighting, and heated hanger space availability for business and corporate aircraft and/or itinerant stays. 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 exist along much Lee's Summit Road. St. Michael the Archangel Catholic High School has recently been constructed and opened 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 City is pursuing a Conceptual Development Plan for this area to create the framework for an envisioned mixed-use development. The target planning area is bisected by the Rock Island rail line which was recently acquired by Jackson County, Missouri for multi-purpose recreation/transportation uses and Cedar Creek.

**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: Development efforts are continuing with the approved Paragon Star project (soccer complex/mixed use development at the View High/I-470 interchange with planned infrastructure improvements also being pursued. The Summit Church (Lee's Summit United Methodist Church) recently completed construction of a new Church at View High and Chipman Rd. Large lot residential

and undeveloped parcels exist along View High Drive. Recent approval of the Village at View High mixed-use development at the northeast quadrant of View High Drive and 3<sup>rd</sup> Street present opportunities for development in this area. Longview Farm continues to see development and redevelopment with construction commencing on a 7 screen B & B Movie Theater and adjacent commercial development. Stabilization work has been completed on the Longview Farm Barns and homes in this area 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 at 2<sup>nd</sup> and Douglas Streets and the former Lee's Summit Journal Building at 5<sup>th</sup> & Douglas Streets is available for re-use. The Downtown area has seen significant investment and activity including completion of the Historic Museum, multiple offerings of dining and drinking establishments and event space. A plan has been approved to convert the former Post Office into a coworking space with many additional opportunities for redevelopment or reinvestment within this targeted area.

**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 Grocery Store expansion and renovation, completion of a new Generation 3 QuikTrip at Mulberry & 291, construction of a new PetSmart store within the Ritter Plaza area near the Wal-Mart. A new Community America Credit Union is under construction where a convenience and gas store once existed. Additional opportunities for redevelopment or reinvestment exist in this corridor.

**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. Interchange improvements are currently under construction for the South M-291 & US 50 Hwy interchange and the new Blackwell Rd. & US 50 Hwy interchange is nearing completion. Redevelopment opportunities include: Old Lee's Summit Hospital, former Adesa & Calmar sites and mixed-use opportunities including large square footage light industrial opportunities within The Grove (South M-291 & Bailey Road area) which has received preliminary development plan approval. Lee's Summit Medical Center is currently under construction with a 3<sup>rd</sup> floor addition and the Village Cooperative residential project recently completed. 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.

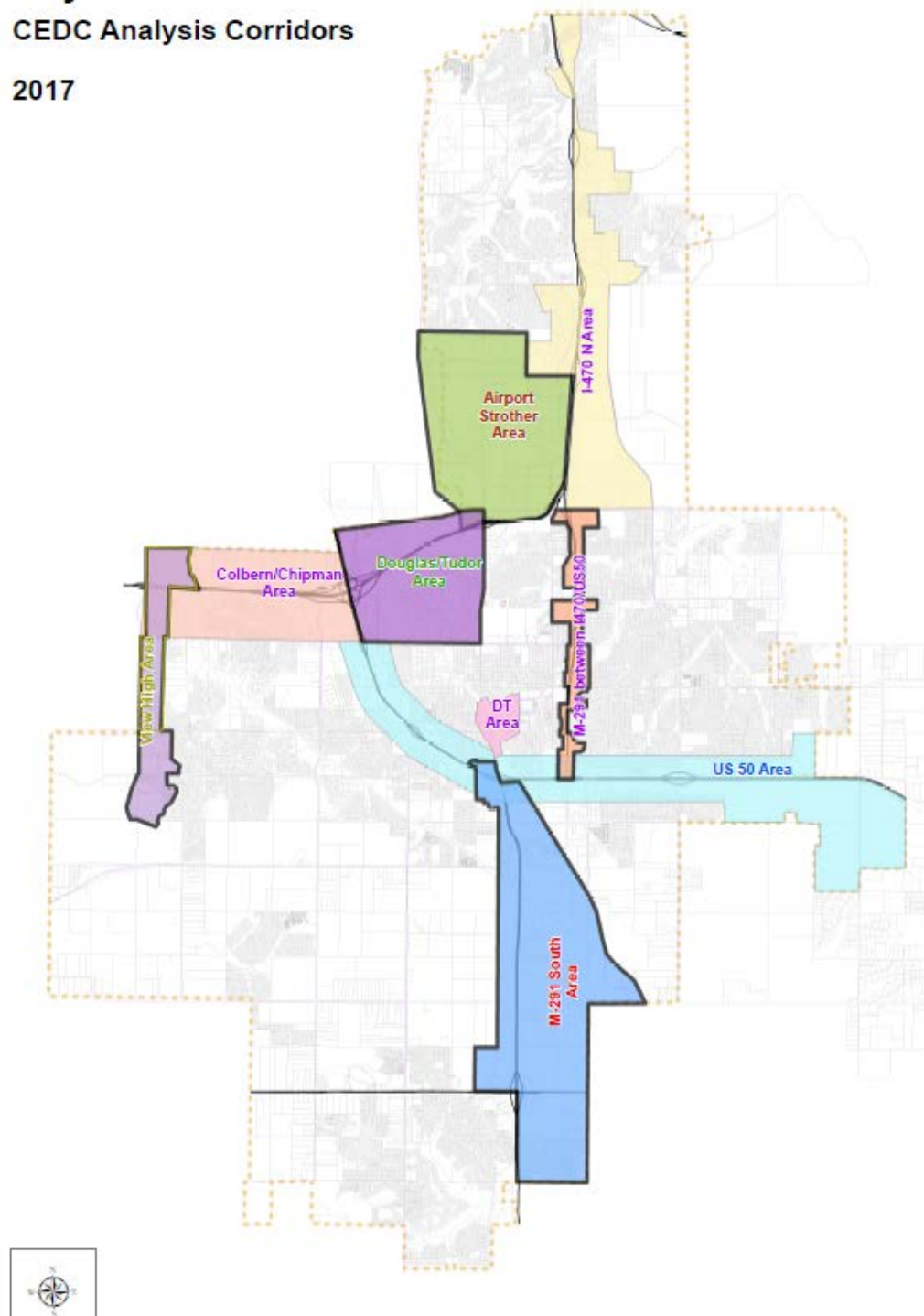
General overview: Redevelopment of the existing Pine Tree Plaza shopping center has recently received approval, and redevelopment opportunities exist with the South M-291 corridor immediately south of US 50 Hwy with the Adesa and Calmar sites and The Grove mixed-use development. A new Wal-Mart opened in March of 2017 north of M-150 on SW Market Street. A significant portion of this planning area lacks sewer, transportation and water infrastructure to support development, specifically towards southern Lee's Summit.



**TARGETED AREAS FOR DEVELOPMENT****City of Lee's Summit**

CEDC Analysis Corridors

2017





# APPENDIX

## Guidelines & Resources



## COMMUNITY PROFILE

In 2015, Lee's Summit celebrated its 150th anniversary. The sesquicentennial marked 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 southeast of Kansas City.

A town of 96,000-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 where more than 4,300 businesses call Lee's Summit home. Plentiful educational opportunities exist from pre-k through high-school, the Missouri Innovation Campus and higher education offerings. A thriving nationally accredited parks and recreation system in addition to multiple lakes provides dozens of opportunities to stay healthy and enjoy the outdoors.

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 96,000. The median age is 38. The median household income is \$79,311. And, 56% of the residents have an Associates 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. An active railroad still plays a role in the City's transportation, access and development and the recent acquisition of the Rock Island Railroad corridor by Jackson County, Missouri provides additional multi-modal opportunities for connectivity within the region.

### **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, 201-bed facility situated on a 40-acre campus on the corner of Interstate 470 and Douglas. Lee's Summit Medical Center, is a full-service acute care facility with 80 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 Bed Bath & Beyond, 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, JC Penney, Dick's Sporting Goods and H & M, the center also includes several nationally known junior tenants.

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



**Mayor Randy Rhoads**

#### District 1



**Rob Binney**



**Diane Forte**

#### District 2



**Trish Carlyle**



**Craig Faith**

#### 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
- Workforce Development



#### **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**

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 City 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 otherwise 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 and/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, property taxes continue to be paid 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 an established period of time. This incentive is sometimes referred to by 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)**

All taxes owed and a portion of all of the incremental increase in taxes resulting from the redevelopment 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 economic activity 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 standalone entity. When a CID/TDD/NID is used to create supplemental revenue to support a primary economic tool such as a 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.
- If pursuing a blighted CID, public improvements related to the redevelopment project shall be considered a priority.

**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 TDD. 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:	
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 a CID/TDD/NID is used to create supplemental revenue to support a primary economic tool such as a 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 kind 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 sale of bonds and can be privately funded. 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 taxes or property taxes) generated from the properties within the district.

Common Uses for NID:	
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 standalone entity. When a CID/TDD/NID is used to create supplemental revenue to support a primary economic tool such as aTIF, 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. LCRA has the power to acquire and dispose of both real and personal property by purchase, lease, eminent domain, grant, bequest, devise or gift. LCRA 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 of 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:	
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 needs or 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 redevelopment projects that have extraordinary needs or qualifications and return on public investment. At least one of the below 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, and to finance.

Eligible Revenues and Financing Tools: (Authorized by Section 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 exempt 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:	
Land Acquisition Building Construction	Purchase of Machinery or Equipment 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 program will be at an abatement level of 50% over a 10 year period for new development and redevelopment.
- For business equipment/personal property 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 Section. 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:	
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 in 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 Traffic Signals Regional Stormwater Detention Facilities	Street Widening Streetscape Improvements

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 that 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 activity taxes to be captured and redirected to fund the redevelopment.

**Eligible Revenues and Financing Tools:** (Authorization Sections 99.800 to 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 redevelopment.
- **Economic Activity Taxes (EATs):** State Statutes authorize 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 (maximum of 33 years from plan adoption).

Common Uses for TIF:	
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 or needs 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 in any historic register or within any historic district as defined by local, state, or federal governments.

**Guidelines:**

- Sales tax reimbursements shall only be considered for public improvements



## 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 applicant of a proposed project requests an incentive at the base level, or below, as referenced in the Availability of Incentives matrix, 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 applicant of a proposed project requests an incentive above the base level then the following guidelines will be used as the process for the review of the proposal.

### **Policy**

1. Applicants shall notify, in writing, the City of Lee's Summit and may also notify 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 of submittal. In conjunction with the submission of the pre-approval checklist, an acceptable representation of the proposed project shall be submitted to accompany the incentive request.
2. There shall be pre-application conference(s) with City staff to review the proposal prior to a conceptual presentation to the City Council.
3. After review of the required submittals and pre-application conference(s), a conceptual presentation is made to the City Council to solicit feedback and direction on the proposal. The City Council may provide direction to the applicant and staff directly after the conceptual presentation or may choose to request additional information or presentations to be scheduled at a future regular session meeting of the City Council.
4. Should a request for incentive(s) be determined to require a funding agreement, the funding agreement may be placed on the same agenda as the conceptual presentation or future City Council regular session meeting as appropriate.

## 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 thoroughly 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, feasibility, and require legal assistance from the City's Economic Development Counsel. This review /analysis and legal assistance from the City's Economic Development Counsel is to be provided at no cost to the City and is to be structured 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 or infrastructure permit. This provision shall not pertain to various permits including:
  - a. Building permits necessary for repairs to existing buildings or their systems in efforts to maintain public safety
  - b. Infrastructure permits necessary for repairs to existing infrastructure in efforts to maintain public safety.
  - c. Demolition permits necessary to maintain public safety
  - d. Land disturbance permits
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 in writing during the review and processing of the proposal.
6. Incentive requests involving the redirection of taxes shall incorporate information to differentiate public vs private improvements/costs within the proposal or project budget.



**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 REDIRECTION OR ABATEMENT

- ☐ Tax Increment Financing
- ☐ Chapter 100 Industrial Revenue Bonds
- ☐ Chapter 353 Tax Abatement
- ☐ Chapter 99 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 Reimbursement 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 \_\_\_\_\_, 2017 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 Manager 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 Manager  
City of Lee's Summit, Missouri  
220 SE Green St.  
Lee's Summit, MO 64063

With a copy to:

City Attorney  
City of Lee's Summit, Missouri

220 SE Green St.  
Lee's Summit, MO 64063

To the Company:

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With a copy to:

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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 \_\_\_\_\_, 201\_\_, 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 \_\_\_\_\_, 201\_\_, 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.  
Lee's Summit, MO 64063  
Attention: City Manager

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

Wages	Number of Jobs					
	5	7	10	15	20	25
	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 for All Industries Public & Private in Jackson County, Missouri as determined by the most recent published information from the Missouri Economic Research & Information Center (MERIC)

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



# Economic Development Incentive Policy



**LEE'S SUMMIT**  
MISSOURI

**Adopted by ordinance #7588 on;**

**February 19, 2015**

**Amended on;**

**October 1, 2015**

**Administrative Updates;**

**June 21, 2016**

**XXXXXX, 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	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/REDEVELOPMENT

The Mayor and City Council has established targeted areas for development or redevelopment. **These targeted areas were defined to help inform investors of 'where' development and redevelopment is most desired. Incentive requests may be considered for projects outside of these targeted areas.** 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~~ connecting 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 Significant~~ efforts are underway to continue mixed-to-develop use development in and around the Summit Technology Campus with the recently completed Summit Innovation Center/Missouri Innovation Campus projects receiving approval and Holiday Inn Express, and current construction of the 308 unit luxury multi-family Summit Square Apartments. 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 [Municipal Airport](#) ~~and related improvements or protection areas where fuel sales and hanger rental is available.~~ [Airport improvements include a 5,500 ft. grooved concrete runway with a 4,000 ft. cross wind runway, improved airfield lighting, and heated hangar space availability for business and corporate aircraft and/or itinerant stays.](#) 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~~ [Large lot residential developments exist](#) along much Lee's Summit Road. ~~A preliminary development plan has been approved for the development of~~ St. Michael the Archangel Catholic High School [has recently been constructed and opened](#) 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 City is pursuing a Conceptual Development Plan for this area to create the framework for an envisioned mixed-use development.](#) The target planning area is bisected by the ~~inactive~~ Rock Island rail line [which was recently acquired by Jackson County, Missouri for multi-purpose recreation/transportation uses](#) 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. Development efforts are continuing with the approved Paragon Star project (soccer complex/mixed use development at the View High/I-470 interchange with planned infrastructure improvements also being pursued. The Summit Church (Lee's Summit United Methodist Church) recently completed construction of a~~ ~~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. ~~Recent approval of the Village at View High mixed-use development at the northeast quadrant of View High Drive and 3<sup>rd</sup> Street present opportunities for development in this area, 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 ~~construction commencing on a 7 screen B & B Movie Theater and adjacent commercial development. Stabilization work has been completed on the Longview Farm Barns and homes in this area with~~ the overall vision to rehabilitate many of the historic structures of Longview Farm.

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#### **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 ~~at 2<sup>nd</sup> and Douglas Streets and the former Lee's Summit Journal Building at 5<sup>th</sup> & Douglas Streets is available for re-~~ ~~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 use. The Downtown area has seen significant investment and activity including completion of the Historic Museum, multiple offerings of dining and drinking establishments and event space. A plan has been approved to convert the former Post Office into a coworking space with many additional opportunities for redevelopment or reinvestment within this targeted area.~~

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#### **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, Grocery Store expansion and renovation, completion of a new Generation 3 development interest in undeveloped parcel at QuikTrip at~~ Mulberry & 291, ~~Old Fire Station #2 property sold for re-use, Party City construction of a new PetSmart constructing a new facility store within the Ritter Plaza area near the Wal-Mart. 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. A new Community America Credit Union is under construction where a convenience and gas store once existed. Additional opportunities for redevelopment or reinvestment exist in this corridor.~~



**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~~Interchange improvements ~~forthcoming are currently under construction~~ for the South M-291 & US 50 Hwy interchange ~~as well as and the new~~ Blackwell Rd. & US 50 Hwy interchange ~~is nearing completion~~. Redevelopment opportunities include: Old Lee's Summit Hospital, former Adesa & Calmar sites ~~and mixed-use opportunities including large square footage light industrial opportunities within The Grove (South M-291 & Bailey Road area) which has received preliminary development plan approval.~~ ~~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. ~~Lee's Summit Medical Center is currently under construction with a 3<sup>rd</sup> floor addition and the Village Cooperative residential project recently completed.~~ 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.

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**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.

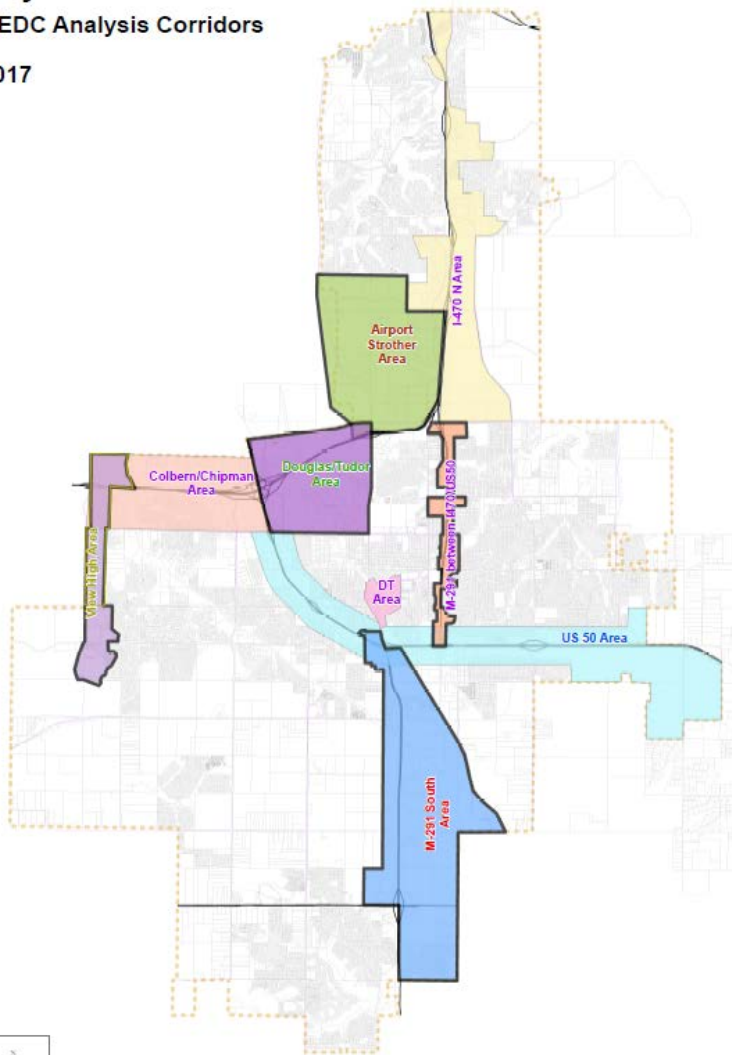
General overview: ~~Potential redevelopment projects include~~Redevelopment of the existing Pine Tree Plaza shopping center ~~has recently received approval, and redevelopment opportunities exist with the Adesa, Calmar, Pfizer, Market to Jefferson corridor (metal buildings~~South M-291 corridor immediately south of US 50 Hwy with the Adesa and Calmar sites and The Grove mixed-use development). A new Wal-Mart ~~opened in March of 2017 pursuing development~~north of M-150 ~~on SW Market Street~~. 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

2017



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# APPENDIX

## Guidelines & Resources



## COMMUNITY PROFILE

In 2015, Lee's Summit ~~has~~ celebrated its 150th anniversary. The sesquicentennial marked ~~ed~~ 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 south ~~eastwest~~ of Kansas City.

A town of 963,000-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 ~~where—~~ more than 4,33,200 businesses call Lee's Summit home. ~~—as well as Plentiful educational opportunities exist from pre-k through high-school, the Missouri Innovation Campus and higher education offerings, a youthful edge with 17,000-plus students attending the Lee's Summit R-7 School District and a~~ A thriving nationally accredited parks and recreation system in addition to multiple lakes ~~featuring-provides~~ dozens of ~~areas-opportunities~~ to stay healthy ~~and enjoy the outdoors-~~

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 963,000. The median age is 386. The median household income is \$79,3116,179. And, 5642% of the residents have an ~~an Bachelor's Associates~~ 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 An active~~ railroad still plays a role in the ~~City's~~ transportation, access and development ~~and the recent acquisition of the Rock Island Railroad corridor by Jackson County, Missouri provides additional multi-modal opportunities for connectivity within the region.-~~

### 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, 20171-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.

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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 Bed Bath & Beyond~~, 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 JC Penney~~, ~~Dick’s Sporting Goods and H & M~~, 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~~  
~~#Craig Faith~~



## 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
- Workforce Development

**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

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 City 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 otherwise be financially feasible. To qualify for incentives, a project must demonstrate an ability to meet the City's targeted outcomes.

## CATEGORIES

### Special ~~T~~axing ~~D~~istricts

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 and/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 ~~T~~ax ~~A~~batement

Tax abatement is offered through a variety of programs geared to job creation, private investment, and redevelopment. Typically, ~~the development continues to pay taxes~~ property taxes continue to be paid 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 ~~an established set~~ a period of time. This incentive is sometimes referred to by 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 ~~the re~~ the redevelopment is captured and redirected to pay redevelopment project costs. Taxing jurisdictions continue to receive the taxes based on the pre-development value. A ~~T~~ax ~~I~~ncrment ~~F~~inancing (TIF) project may also capture new economic activity 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 a CID/TDD/NID is used to create supplemental revenue to support a primary economic tool such as a 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.
- If pursuing a blighted CID, public improvements related to the redevelopment project shall be considered a priority.

**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 ~~TDD 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 a CID/TDD/NID is used to create supplemental revenue to support a primary economic tool ~~such as a 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 sale~~ of bonds and can be privately ~~funding sources funded~~. 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 ~~taxes~~ or property taxes) ~~placed or generated from~~ 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 a CID/TDD/NID is used to create supplemental revenue to support a primary economic tool such as a 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-LCRA~~ has the power to acquire and dispose of both real and personal property by purchase, lease, eminent domain, grant, bequest, devise or gift. ~~Authority-LCRA~~ 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 of 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:****Improvements**

Land Acquisition	Land Disposal
Building Construction	Building Rehabilitation
Blight Removal Activities	

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 needs or 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 redevelopment projects that have extraordinary needs or qualifications and return on public investment. At least one of the following below 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 and to finance.

Eligible Revenues and Financing Tools: (Authorized by Section- 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 program will be at an abatement level of 50% over a 10 year period for new development and redevelopment.
- For business equipment/personal property 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 Section. 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:**

<u>Improvements</u>	
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 ¼ cent over a 10 year period for public improvement projects.



**Tax Increment Financing (TIF)**

TIF is an economic development tool ~~which that~~ 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 activity~~ies~~ taxes to be captured ~~and redirected~~ to fund the redevelopment.

Eligible Revenues and Financing Tools: (Authorization Sections 99.800 ~~to~~ 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 ~~re~~development.
- Economic Activity Taxes (EATs): ~~The State~~ Statutes 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 ~~(maximum of 33 years from plan adoption)~~.

**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 **or needs** 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 **E**xhibit C)
- Creates additional direct general fund revenue taxes that exceed the amount that is to be abated.
- Rehabilitates structures as listed **in** any historic register or within any historic district as defined by local, state, or federal governments.

**Guidelines:**

- **Sales tax reimbursements shall only be considered for public improvements**

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## 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 applicant of a proposed project ~~requires requests~~ an incentive at the base level, or below, as referenced in the Availability of Incentives matrix, 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 applicant of a proposed project ~~requests ires~~ an incentive above the base level then the following guidelines will be used as the process for the review of the ~~proposed project~~proposal.

### Policy

1. Applicants shall notify, in writing, the City of Lee's Summit and may also notify 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 of~~ submitted. In conjunction with the submission of the pre-approval checklist, an acceptable representation of the proposed project shall be submitted to accompany the incentive request.
2. There shall be pre-application conference(s) with City staff to review the proposal prior to a conceptual presentation to the City Council.
3. Upon~~After~~ review of the ~~applicant's letter of intent and pre-approval checklist~~required submittals and pre-application conference(s), a conceptual presentation is made to the City Council to solicit feedback and direction on the proposal. ~~After the formal conceptual presentation the~~The City Council shall ~~may provide direction to the applicant and staff directly after the conceptual presentation or may choose to request additional information or presentations to be scheduled~~ decide at a future regular session meeting of the City Council, their next earliest regular meeting to consider additional hearings or presentations for the review of the proposed development project.
- ~~2-4.~~ Should a request for incentive(s) be determined to require a funding agreement, the funding agreement may be placed on the same agenda as the conceptual presentation or future City Council regular session meeting as appropriate.

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## 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 thoroughly 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, and require legal assistance from the City's Economic Development Counsel. This review ~~/and~~ analysis and legal assistance from the City's Economic Development Counsel ~~is~~ to be provided at no cost to the City and is to be structured 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 or infrastructure permit. This provision shall not pertain to various permits including:
  - a. Building permits necessary for repairs to existing buildings or their systems in efforts to maintain public safety
  - b. Infrastructure permits necessary for repairs to existing infrastructure in efforts to maintain public safety.
  - c. Demolition permits necessary to maintain public safety
  - ~~3-d. excluding the L~~ land disturbance permits.
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 Ccity staff in writing during the review and processing of the proposal period.
- ~~5-6.~~ Incentive requests involving the redirection of taxes shall incorporate information to differentiate public vs private improvements/costs within the proposal or project budget.

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**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 REDIRECTION OR ABATEMENT

- ☐ Tax Increment Financing
- ☐ Chapter 100 Industrial Revenue Bonds
- ☐ Chapter 353 Tax Abatement
- ☐ Chapter 99 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 Reimbursement 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 \_\_\_\_\_, 2017 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 Manager 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 Manager  
City of Lee's Summit, Missouri  
220 SE Green St.  
Lee's Summit, MO 64063

With a copy to:

City Attorney  
City of Lee's Summit, Missouri

220 SE Green St.  
Lee's Summit, MO 64063

To the Company:

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With a copy to:

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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 \_\_\_\_\_, 201\_\_, 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 \_\_\_\_\_, 201\_\_, 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.  
Lee's Summit, MO 64063  
Attention: City Manager

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						
Wages	Number of Jobs					
	5	7	10	15	20	25
	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% + 5yr / 100%

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

CAW = County Average Wage [for All Industries Public & Private in Jackson County, Missouri as determined by the most recent published information from the Missouri Economic Research & Information Center \(MERIC\)](#)

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