

BILL NO.**ORDINANCE NO.**

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

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

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

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

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

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

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

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

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

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

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

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

BILL NO.

ORDINANCE NO.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney Brian Head

Exhibit A

Sec. 5.630. - General provisions.

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

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

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

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

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

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

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

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

B. LS Gateway—Specific area uses.

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

C. LS mixed use—Specific area uses.

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

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

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

E. ADP prohibited uses.

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

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

F. Appeals for Prohibited Uses.

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

Sec. 15.200. - Alteration.

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

Sec. 15.2470. - Repair.

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