



**LEE'S SUMMIT**  
MISSOURI  
Development Services Department

**Application Information**

**Appl. #PL2020-069 – UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT** – Article 6 – Use Standards, to amend the distance separation requirements from a Bar/Tavern and Restaurant, General to a residential use and residential district; Jeremy Kneeland, applicant

**Overview of Amendment**

The proposed amendment addresses separation requirements between bar/taverns and residential uses and districts, as well as between restaurants that serve alcohol and residential uses and districts. The amendment reduces the minimum separation between a bar/tavern and residential uses and districts from 300 feet to 100 feet, and prescribes the method of measurement for said separation. The proposed amendment also reduces the minimum separation between a stand-alone restaurant that sells alcohol and residential uses and districts from 100 feet to 50 feet. The amendment further prescribes the method of measurement to determine separation of a restaurant that sells alcohol to residential uses and districts.

**Background**

The applicant approached the City in February of this year to locate a microbrewery and tap room in the former location of The Fig Tree Café and Bakery at 817 NE Rice Rd. The prospective in-line tenant space is zoned CP-2 (Planned Community Commercial District). A bar/tavern is a use permitted by right but with conditions in said zoning district. The use condition is that a bar/tavern shall be located a minimum 300 feet from any residential district or use, measured from the front entrance of the bar/tavern. The distance between the proposed microbrewery's front door and adjacent residential to the east is approximately 125 feet, thus the microbrewery is not permitted in that location under the current UDO standard. The applicant subsequently submitted an application proposing a reduction in the separation requirement to residential.

Due to the cancellation of the April Community and Economic Development Committee (CEDC) meeting in response to the Covid-19 pandemic, the proposed UDO amendment did not follow the normal process of presentation to the Community and Economic Development Committee (CEDC) prior to beginning the public hearing process before the Planning Commission and full City Council.

**Effective Date**

Pending approval

**Affected UDO Section(s)**

Article 6, Use Standards

	<b>Existing Standard(s)</b>	<b>Proposed Standard(s)</b>
<b>Bar/Tavern</b>	Provided the front entrance of the facility is 300 feet or greater distance from any existing school or church, or residential district (RDR, RLL, R-1, RP-1, RP-2, RP-3 and RP-4) or	<ul style="list-style-type: none"><li>Changes separation requirement to residential district or use from 300 feet to <b>100 feet</b>,</li></ul>

	<p>residential use in any district, with the following exceptions:</p> <ul style="list-style-type: none"> <li>• A bar/tavern located in the CBD district shall have no distance requirement from any existing residential use within the CBD district.</li> <li>• A bar/tavern located in a CBD or CP-2 district shall have no distance requirement from any existing loft dwelling unit located within a CBD or CP-2 district.</li> <li>• A bar/tavern located in a CBD or CP-2 district shall have a 100-foot distance requirement from the front entrance of the facility to any existing residential use located within a TNZ or PO district.</li> <li>• A bar/tavern located in the M-150 Corridor Development Overlay districts CDO-MR, CDO-MC, or CDO-ME shall have no distance requirement from any multi-family (apartment) or loft dwelling unit within any M-150 CDO-MR, MC or ME district. (UDO Section 6.250)</li> </ul>	<p><b>using the closest legal walking path.</b></p> <ul style="list-style-type: none"> <li>• Deletes M-150 CDO zoning district references due to the previous removal of these zoning districts from the UDO.</li> </ul> <p><i>(See attachment for revised text.)</i></p>
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<b>Affected UDO Section(s)</b>		
Article 6, Use Standards		
	<b>Existing Standard(s)</b>	<b>Proposed Standard(s)</b>
<b>Restaurant, general</b>	<p>Restaurant, general stand-alone facility (individual building on separate lot or parcel) shall provide a minimum distance of 100 feet measured from the building to any residential district (RDR, RLL, R-1, RP-1, RP-2, RP-3, and RP-4) or residential use, with the following exceptions:</p> <ul style="list-style-type: none"> <li>• A restaurant, general located in the CBD district shall have no distance requirement from any existing residential use within the CBD district.</li> <li>• A restaurant, general located in a CBD or CP-2 district shall have no distance requirement from any</li> </ul>	<ul style="list-style-type: none"> <li>• Changes the separation requirement for a stand-alone facility to residential district or use from 100 feet to <b>50 feet, using the closest legal walking path from the front building entrance.</b></li> <li>• Deletes M-150 CDO zoning district references due to the previous removal of these zoning districts from the UDO.</li> <li>• Changes the 50-foot separation requirement method of measurement for an in-line tenant space facility to residential</li> </ul>

	<p>existing loft dwelling use located within a CBD or CP-2 district.</p> <ul style="list-style-type: none"> <li>• A restaurant, general located in a CBD or CP-2 district shall have a 100-foot distance requirement from the building to any existing residential use located within a TNZ or PO district.</li> <li>• A restaurant, general located in the M-150 Corridor Development Overlay districts CDO-MR, CDO-MC, or CDO-ME shall have no distance requirement from any multi-family (apartment) or loft dwelling use within any M-150 CDO-MR, MC or ME district.</li> </ul> <p>Restaurant, general in-line tenant space facility (located in a strip center or series of attached commercial shops) shall provide a minimum distance of 50 feet measured from the building in which located to any residential district (RDR, RLL, R-1, RP-1, RP-2, RP-3, and RP-4) or residential use. Same exceptions apply as stated in Subsection A. above.</p> <p>Access is provided from a commercial street or internal drive from a commercial street. (UDO Section 6.490)</p>	<p>district or use to <b>using the closest legal walking path from the front building entrance.</b></p> <p><i>(See attachment for revised text.)</i></p>
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Comprehensive Plan	
Focus Area(s)	Goals, Objectives and Policies
Economic Development	Objective 2.2
Commercial Development	Objective 4.1
Recommendation	
Staff recommends <b>APPROVAL</b> of the UDO amendment to Article 6 as presented.	