

## Legislation Details (With Text)

**File #:** 2016-0534      **Name:**

**Type:** Public Hearing - Sworn      **Status:** Passed

**File created:** 9/7/2016      **In control:** City Council - Regular Session

**On agenda:** 11/3/2016      **Final action:** 11/3/2016

**Title:** PUBLIC HEARING - Appl. #PL2016-171 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #58 - Article 5 Zoning Districts & Article 9 Uses Permitted with Conditions, pet motel or training facility with outdoor exercise area as a permitted use in the CS and PI Districts and as a conditional use in the CP-2 District; Article 13 Signs, allowing neon signs in the CBD District; Article 8 Accessory Uses and Structures, prohibition of outdoor vending machines and a revision to the encroachment policy language; City of Lee's Summit, applicant.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. UDO Amendment 58 documents 9-14-16, 2. DTMS Letter Requesting Neon 9-14-16, 3. Doggy Day Care Letter requesting UDO Amendment 9-14-16, 4. Cuddle Up Pup Doggie Day care info 9-14-16, 5. 10-11-16 Planning Commission Action Report

Date	Ver.	Action By	Action	Result
11/3/2016	1	City Council - Regular Session	approved	Pass
10/11/2016	1	Planning Commission	recommended for approval	Pass
9/14/2016	1	Community and Economic Development Committee	recommended for approval	Pass

PUBLIC HEARING - Appl. #PL2016-171 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #58 - Article 5 Zoning Districts & Article 9 Uses Permitted with Conditions, pet motel or training facility with outdoor exercise area as a permitted use in the CS and PI Districts and as a conditional use in the CP-2 District; Article 13 Signs, allowing neon signs in the CBD District; Article 8 Accessory Uses and Structures, prohibition of outdoor vending machines and a revision to the encroachment policy language; City of Lee's Summit, applicant.

Issue/Request:

UDO proposed amendment #58 is being requested for the following:

- **Article 5 Zoning Districts-Table 5-1** adds a new category "Pet motel or training with outdoor exercise area" as a conditional "C" use in CP-2 and a permitted "P" use in CS and PI zoning districts;
- **Article 9 Permitted Uses with Conditions** adds "Pet motel or training with outdoor exercise area" with the condition that the outdoor exercise area be setback a minimum of 100 feet from the property line of a residential use or residential district and from outdoor seating areas of commercial uses;
- **Article 8 Accessory Uses and Structures** corrects language concerning encroachments into right-of-way and easements by providing a statement to "see City of Lee's Summit encroachment policy" thereby aligning the UDO and the City's policy;
- **Article 8 Accessory Uses and Structures** adds language to clarify that outdoor vending machines are prohibited accessory uses or structures "except for certain outdoor vending machines that are accessory to financial institutions, such as ATM's, self service car wash business dispensers offering such items as cleaners, waxes and towels for vehicle washing and similar accessory uses and structures approved by the Director. Such accessory vending machines shall be attached to or built into exterior walls of the commercial business or integrated into a drive island". Mobile food vending regulated in UDO Article 11 is also exempted.

This amendment also clarifies that retail sales of products being displayed outdoors that are sold within the building where the products are being displayed do not constitute an accessory use or structure and establishes distance requirements for such displays;

- **Article 13 Signs** Adds the use of "exposed neon (not for the purpose of internal illumination)" as a type of both sign and lighting for signs in the CBD, Central Business District - (internal illumination is not permitted in the CBD for historic purposes). However, exposed neon has been used historically and would fit into DT Lee's Summit historic nature.

Amendments for Article 5 and 9 have been requested by Andrew and Stephanie Mayer-Haddadi seeking to establish a next generation pet resort with outdoor exercise area in a CP-2 district. Outdoor kennels or pet exercise areas are not currently permitted within CP-2 districts.

Amendments to Article 8 Accessory uses and structures are staff directed to provide a UDO and City policy alignment for encroachments and to clarify outdoor vending machines.

- Recently staff brought forward language that was based on an outdated encroachment policy that was still located on the web page. This proposed amendment provides new language that refers to the most recent City encroachment policy thereby aligning both documents;

- Outdoor vending machines - Current accessory use language does not provide for vending machines except for tenants or employees inside commercial and industrial facilities. Staff's interpretation of the UDO language is that vending machines are not permitted on the outside of commercial or industrial uses. To clarify the original intent of the UDO language an amendment is being brought forward to provide for certain outdoor vending machines that are accessory to financial institutions such as ATM's, self service car wash dispensers of cleaners and towels and similar uses approved by the Director and to reinforce the language prohibiting general vending machines located outside. Language is also added to clarify retail sales of products being displayed outdoors, provided such products are being sold inside the business where they are being displayed, shall not constitute an accessory use or structure. Also a limitation is provided on the distance from the business where the product can be displayed.

Amendment to Article 13 Signs is being requested by Downtown Mainstreet to add neon signs in the CBD, Central Business District. Historically neon signs were used quite extensively in older downtowns. Exposed neon have become nostalgic finding a new audience and a renewed interest in their use once again along with requests for their use again. This amendment still will not permit internally illuminated signs in general but will accept exposed neon as a new sign type and type of lighting.

Recommendation: Staff recommends approval of UDO Amendment #58 Articles 5, 8, 9 and 13.

Committee Recommendation: CEDC recommended to forward UDO Amendment #58 to the Planning Commission for public hearing.

PLANNING COMMISSION ACTION: On motion of Mr. DeMoro and seconded by Mr. Delibero, the Planning Commission voted six "yes" (Mr. Lopez, Mr. Norbury, Mr. Delibero, Mr. Rader, Mr. Gustafson and Mr. DeMoro) and one "no" (Ms. Roberts) by voice vote to recommend **APPROVAL** of **Appl. #PL2016-171 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #58** - Article 5 Zoning Districts & Article 9 Uses Permitted with Conditions, pet motel or training facility with outdoor exercise area as a permitted use in the CS and PI Districts and as a conditional use in the CP-2 District; Article 13 Signs, allowing neon signs in the CBD District; Article 8 Accessory Uses and Structures, prohibition of outdoor vending machines and a revision to the encroachment policy language; City of Lee's Summit, applicant, amending Section 9.310 to read "A *pet motel or training facility with and outdoor exercise area shall be set back a minimum of 200 feet from the property line of a residential use or residential district and 100 from outdoor seating areas of commercial uses*".

