



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

Thursday, June 16, 2016

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 4 (AMENDED)

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

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 for action by the City Council with no public discussion. All items have been previously discussed in Council Committee and carry a Committee recommendation. Consent agenda items may be removed by any Councilmember for discussion as part of the regular agenda.

- A. [2016-0244](#) Approval of Action Letters for May 5, May 12 and May 19, 2016.
- B. [2016-0268](#) Mayor's Appointments:
Human Services Advisory Board: Appoint Rexanne Hill to replace Matt Miller and Michael Straughn to replace Lois Belser, terms to expire 1-20-17.
Livable Streets Advisory Board: Appoint Justin Larson to replace Craig Faith, term to expire 2-17-18.
- C. [2016-0296](#) Mayor Pro Tempore's Council Committee Appointments

- D. [2016-0263](#) Approval of change of address for Minsky's Pizza to 1251 NE Rice Road.
(Currently holding a Type "G3" and "S" Liquor License.)

4. PROPOSED ORDINANCES:

- A. [BILL NO. 16-114](#) AN ORDINANCE APPROVING THE AWARD OF BID NO. 4401-20C FOR THE FY2017 MILL & OVERLAY PROGRAM TO SUPERIOR BOWEN ASPHALT COMPANY, L.L.C. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO TO AN AGREEMENT FOR THE SAME IN THE AMOUNT OF \$2,109,071.32.
- B. [BILL NO. 16-115](#) AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND THE CITY OF LEE'S SUMMIT, MISSOURI FOR THE ON CALL WORK ZONE ENFORCEMENT PROGRAM FOR THE CITY OF LEE'S SUMMIT, MISSOURI.
- C. [BILL NO. 16-116](#) AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE I. IN GENERAL, SEC. 2-1. OFFICIAL CITY SEAL, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT BY REDEFINING THE OFFICIAL CORPORATE SEAL FOR THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI.
- D. [BILL NO. 16-117](#) AN ORDINANCE APPROVING, ADOPTING AND APPROPRIATING THE BUDGET OF THE CITY OF LEE'S SUMMIT, MISSOURI, FOR THE FISCAL YEAR ENDING JUNE 30, 2017.
- E. [BILL NO. 16-118](#) AN ORDINANCE APPROVING THE EXECUTION OF A PUBLIC SERVICE AGREEMENT BY AND BETWEEN LEE'S SUMMIT ECONOMIC DEVELOPMENT COUNCIL. AND THE CITY OF LEE'S SUMMIT, MISSOURI, FOR SERVICES TO BE PROVIDED TO THE CITY.

5. RESOLUTIONS:

- A. [RES. NO. 16-12](#) A RESOLUTION OF SUPPORT FOR LEE'S SUMMIT CARES IN THEIR MISSION TO REDUCE MARIJUANA RELATED PROBLEMS.

6. PRESENTATIONS:

- A. [2016-0249](#) Presentation regarding state legislation on cell tower regulations.
- B. [2016-0269](#) Presentation of the License Tax Review Committee Annual report for 2015
- C. [2016-0157](#) LS 360 Final Report

7. PUBLIC HEARINGS (Sworn):

In an effort to assist applicants who travel from outside the Kansas City Metropolitan Area, every effort will be made to hear the application on the scheduled meeting date.

- A. [2016-0194](#) PUBLIC HEARING - Appl. #PL2016-053 - PRELIMINARY DEVELOPMENT PLAN - telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant
- B. [2016-0195](#) PUBLIC HEARING - Appl. #PL2016-054 - SPECIAL USE PERMIT- telecommunication tower, 244 NW Executive Way; Selective Site Consultants, Inc., applicant
- C. [2016-0295](#) PUBLIC HEARING - Appl. #PL2016-045 - VACATION OF RIGHT-OF-WAY - a section of SW Flintrock Dr south of SW Napa Valley Dr, located within the Napa Valley subdivision; Toscano Investments, applicant

8. OTHER BUSINESS:

- A. [BILL NO. 16-119](#) AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 244 NW EXECUTIVE WAY, TELECOMMUNICATION TOWER, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.
- B. [BILL NO. 16-120](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR TELECOMMUNICATIONS TOWER IN DISTRICT PO ON LAND LOCATED AT 244 NW EXECUTIVE WAY, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.
- C. [BILL NO. 16-121](#) AN ORDINANCE APPROVING THE FY2017 PROPERTY AND LIABILITY INSURANCE PROGRAM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH TRAVELERS INSURANCE, ONE BEACON INSURANCE AND PHYSICIANS PROFESSIONAL INDEMNITY ASSOCIATION FOR THE PROCUREMENT OF PROPERTY AND LIABILITY INSURANCE COVERAGE FOR FY2017.
- D. [BILL NO. 16-122](#) AN ORDINANCE APPROVING A COOPERATIVE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND SHOW ME PACE, A MISSOURI CLEAN ENERGY DEVELOPMENT BOARD, AND AUTHORIZING THE EXECUTION OF DOCUMENTS RELATED TO THE SHOW ME PACE PROGRAM FOR PARTICIPATION BY THE CITY OF LEE'S SUMMIT, MISSOURI.
- E. [BILL NO. 16-123](#) AN ORDINANCE APPROVING THE PROCUREMENT OF EXCESS WORKERS COMPENSATION COVERAGE FROM MIDWEST EMPLOYERS CASUALTY COMPANY FOR FISCAL YEAR 2017 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS AND OTHER DOCUMENTS NECESSARY FOR SAID INSURANCE COVERAGE.
- F. [2016-0225](#) Appeal of Lee's Summit Code of Ordinance (LSCO) Chapter 25, Article IV Storage - Section 86.B (Solid Waste Container Storage provision)

- G. [2016-0253](#) Appeal Request to Resolution No. 16-05 for the suspension and delay the acceptance and processing of development applications and applications for building permit in an area generally bounded by Pine Tree Plaza, 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), the Union Pacific Railroad right-of-way, and South M-291 Highway.

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".

Legislation Details (With Text)

File #:	2016-0253	Name:	
Type:	Other Business - Presentation	Status:	Agenda Ready
File created:	5/25/2016	In control:	City Council Regular Session
On agenda:	6/16/2016	Final action:	
Title:	Appeal Request to Resolution No. 16-05 for the suspension and delay the acceptance and processing of development applications and applications for building permit in an area generally bounded by Pine Tree Plaza, 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), the Union Pacific Railroad right-of-way, and South M-291 Highway.		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Roberts Co Motor Mart - Administrative Delay Appeal Request (rec 6-1-15), 2. Roberts Co Motor Mart - Business Plan, 3. 1302 SW Market St - Photos, 4. Resolution No. 16-05

Date	Ver.	Action By	Action	Result
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Appeal Request to Resolution No. 16-05 for the suspension and delay the acceptance and processing of development applications and applications for building permit in an area generally bounded by Pine Tree Plaza, 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), the Union Pacific Railroad right-of-way, and South M-291 Highway.

Issue/Request:

Roberts Co Motor Mart, LLC requests the ability to proceed with a Special Use Permit application at 1302 SW Market Street for used automotive sales as an accessory use to their existing automotive detailing business. Per Section 2 of Resolution No. 16-05 the applicant must file an appeal request with the City Clerk to be heard by the City Council at the next regularly scheduled meeting. This appeal request was received by the City on June 1, 2016.

Key Issues:

The site, 1302 SW Market Street, is located within an area designated for Administrative Delay by Resolution No. 16-05 by the City Council on March 31, 2016. This resolution states in summary all development and building permit applications shall be suspended or delayed until a revised land use and master development plan is completed for the area. Further the Administrative Delay shall terminate by October 1, 2016, unless the City Council, by motion approved by a majority vote of the Councilmembers present at a duly not noticed meeting, extends the date of this administrative delay.

Proposed City Council Motion:

[Enter text here]

Background:

March 31, 2016 - The City Council adopted Resolution No. 16-05 for the suspension and delay the acceptance

and processing of development applications and applications for building permit in an area generally bounded by Pine Tree Plaza, 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), the Union Pacific Railroad right-of-way, and South M-291 Highway.

Impact/Analysis:

If the Special Use Permit application is allowed to proceed and if ultimately said application is approved by the City Council at a future public hearing date, this would allow for the use of automotive sales at this location for a specified number of years. While the Special Use Permit process primarily focuses on the use of a property it is classified as a development application which is generally outlined in the above referenced administrative delay. Specifically, this application would not encompass a "development application or building permit application which authorizes the construction of a new buildings or expansion of existing buildings" as stated in Section 1.A of Resolution No. 15-06, because no building permits or other development applications are requested which would alter or add to the existing building.

In considering this appeal request Section 2.C of Resolution No. 16-05 states "The City Council shall consider the following in determining whether applications, with respect to which an appeal has property been filed, if approved, will undermine the spirit and intent of the pending land use master development plan: 1. the City's interest in protecting the public's health, safety, and general welfare; b. the adverse effect upon the future vision of the redevelopment area being considered; c. the City's interest in avoiding the creation of conflicts with the future redevelopment plan; the extent to which the proposed use, if applicable, will negatively affect the continuity of the redevelopment plan; e. the economic impact and hardship of the delay upon the owner."

Timeline:

Start: ____

Finish: ____

Other Information/Unique Characteristics:

[Enter text here]

Presenter: Brian Brooks, applicant and Christopher Hughey, Project Manager in the Development Center Department

Recommendation: [Staff recommends authorization to proceed with a SUP application]

Committee Recommendation: [Enter Committee Recommendation text Here]

ROBERTS COMPANY

MOTOR MART, LLC

1302 SW Market
Lee's Summit, Mo 64081
(816) 861-0222
therobertscompany@yahoo.com

5/25/2016

Subject: Request to move forward with appeal for a Special Use Permit

Roberts Company Motor Mart, LLC. is requesting to move forward with the appeal process regarding the application for a Special Use Permit, to display at 10 cars at a time at the following location, 1302 SW Market, for a 3-year period.

Sincerely,

Managing Member



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Planning & Codes Admin

ROBERTS COMPANY

MOTOR MART, LLC

Business Plan 2016

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MAY 20 2016

Planning & Control Admin

-2016-099-

1302 SW Market Street
Lee's Summit, MO 64081

T (816) 361-4122
F (816) 361-9822

info@robertscompany.com
www.robertscompanyinc.com

I. Table of Contents

- I. Table of Contents
- II. Executive Summary
- III. Vision and Mission Statement
- IV. Objectives
- V. Company History
- VI. Business Strategy
- VII. Company Products and Services
- VIII. Marketing Strategy
- IX. Location and Layout

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II. Executive Summary

Roberts Company Motor Mart will sell top-quality used vehicles at a competitive price. The owner and sales manager have over 20 years of combined experience in new and used auto sales. We will continue to develop our excellent working relationship with local dealers and auctions to bring the savings to the customer. We will be successful because we offer something different; a pleasant car buying experience. We will create a purchasing environment that caters to the customer's needs. We are selling a professional service and an experience in car buying that will bring customers back again, as well as referring friends and family.

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III. Vision and Mission Statement

Vision Statement

Our Vision is to be a leading car dealership that the Lee's Summit Area can depend on and trust upon for their transportation needs. Following the methods from the original Kansas City Car Dealer, late Homer B. Roberts, we will put class and distinction into everything that we do.

Mission Statement

Our mission is to provide top-quality used vehicles at unbeatable prices. We are dedicated to customer satisfaction by providing an enjoyable and honest experience to our customers. Roberts Company Motor Marts' vehicles are purchased weekly from various auto auctions, located throughout the country. We maintain a variety of quality-inspected vehicles for families to choose from.

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IV. Objectives

1. 100% customer satisfaction, measured through repeat customers, referrals and surveys.
2. To achieve a respectable net profit by year two.

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V. Company History

Roberts Company Motor Mart was originally established in 1919, in the historic 18th & Vine district by Homer Roberts. Homer Roberts is known as the first African-American car dealer.

Roberts Company Motor Mart, LLC, was established in 2011, by an automotive expert with over 20 years of sales. Roberts Company Motor Mart specializes in top-quality late model used cars, offering American and Foreign vehicles at unbeatable prices.

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VI. Business Strategy

A. Desired Image and Position in the market

Roberts Company Motor Mart's desired image is to be an honest, trustworthy, and customer-oriented dealership within the Lee's Summit area. Being a trustworthy dealer is vital to obtaining successful sales records. Repeat business and referrals are important to our customer base. We want customers to come inside our business with the confidence that their transportation needs will be completely taken care of by disclosing all prices, fees, and interest rates.

B. Customer Goals and Objectives

1. Operational

- Offer a variety of dependable vehicles at unbeatable prices.
- Keep an average of \$200,000 in car inventory on hand.
- Inspect all vehicles prior to auto auction.
- Purchase dependable, low-mileage, low-priced vehicles at weekly auto auctions.
- Maintain a customer database for newsletter mailings.
- Attend sales training seminars.
- Display prices, warranties, and buyer's guides on all vehicles.
- Disclose all mechanical issues and body damage on vehicles prior to sale.
- Maintain detailed and accurate sale documents and contracts.
- Educate all customers thoroughly on sales contracts, buyer's guides, and warranties.
- Submit monthly sales files to the Missouri Department of Revenue on time.

2. Financial

- Sell an average of 15 vehicles a month.
- Average profit of \$750 a vehicle.

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C. SWOT Analysis

1. Strengths

- Owner has over 20 years in the car business.
- Roberts Company Motor Mart, LLC has a customer base of an average of 5,000 customers.
- Business location is easily accessible and on a commonly traveled road.

2. Weaknesses

- Guaranteeing that dependable low-mileage vehicles will be available at weekly auto auctions.
- Selecting vehicles that are desired by the customer.

3. Opportunities

- To expand the customer base across the Lee's Summit area.
- To acquire new relationships with more financing lenders.

4. Threats

- Increased Competition.
- Downturn in the economy.
- Increase in fuel prices.

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VII. Company Products and Services

A. Description

1. Product or Service Features

- The products offered will be used, high-quality, dependable, pre-inspected cars, vans, trucks, and SUVs at unbeatable prices.
- The services offered will assistance with securing financing, if needed.
- Vehicle prices range from \$10,000 to \$18,000.

2. Customer Benefits

- An honest purchase.
- Guaranteed disclosures.
- A dependable, low-cost, low-mileage vehicle.

3. Warranties and Guarantees

- All vehicles come with a warranty or the customer is required to sign and acknowledge an As-Is Disclosure. A buyer's guide and 30-day inspection will be provided with every vehicle purchase.

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VIII. Marketing Strategy

A. Target Market

1. The target market will be students, the working class, and retirees living throughout Jackson and Cass County.

B. Market Size and Trends

1. There is an estimated population of 500,000 people over the age of 18 within the Jackson County Area.
2. Consumers purchase vehicles on an average of every 4 years.

C. Advertising and Promotion

1. Craig's List, Facebook, Newsletters, and email notifications will be utilized for marketing communications.
2. Repeat business and referrals will be vital to success. Customer satisfaction will be emphasized.
3. Customers will receive newsletters, birthday cards, and special promotions correspondence.

D. Pricing

1. Pricing will be based on competitive Blue Book values. We will attempt to buy vehicles below wholesale value and resell the vehicle at a reasonable price.
2. Average mark-up on a vehicle is 5 to 7% vs. competitor prices at 10 to 15% markup.

E. Test Market Results

1. A 30-day call will be made to every customer to determine if the customer's need were met and to measure the overall sales experience. A 2-week call will be made to individuals that contacted the dealership to review if there was any reason why the potential customer did not purchase a vehicle by Roberts Company Motor Mart.

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IX. Location and Layout

A. Location

1. Roberts Company Motor Mart will be located at 1302 SW Market Street, Lee's Summit, MO 64081.
2. The building is facing 291 Highway, which is frequently traveled throughout the day.
3. Remodeling to building will be limited to new interior and exterior paint, a professional business sign, and updated office furniture. The updates will bring professionalism to this particular area or strip of businesses.
4. Roberts Company Motor Mart is a bonded dealer that is required to have a dealership license, a Missouri sales tax id number, and a city permit at all time. We will carry continuous dealer insurance on all vehicles and renter's insurance.

B. Layout

1. Roberts Company Motor Mart, resides in a 1500 Square Foot building than can hold on average 15 vehicles at one time and includes a standard size waiting area.
2. The lot is visible to 291 Highway traffic.
3. Vehicle pricing and buyer's guides will be displayed on all vehicles.
4. Vehicles will be rotated on a daily basis.
5. There is room for customers to park and access the building safely.

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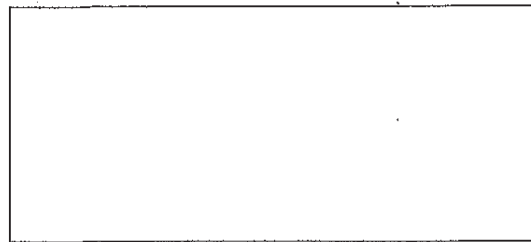
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1302 SW Market St, Lees
Summit, MO 64081



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Pharmacy & Patient Center

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RESOLUTION NO. 16-05

A RESOLUTION DIRECTING STAFF TO SUSPEND AND DELAY THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS AND APPLICATIONS FOR BUILDING PERMITS IN AN AREA GENERALLY BOUNDED BY PINE TREE PLAZA, 50 HIGHWAY, ADESA PROPERTY, JEFFERSON STREET, PERSELS (WEST OF M-291), 16TH STREET (EAST OF M-291) THE UNION PACIFIC RAILROAD RIGHT-OF-WAY AND SOUTH M-291 HIGHWAY.

WHEREAS, the City of Lee's Summit, Missouri (City) is a community of approximately 93,000 residents located within 65 square miles in Jackson and Cass Counties which has seen greater than a 150% population increase in the last two decades; and,

WHEREAS, a new interchange at 50 Highway and South M-291 will begin construction Fall of 2016 bringing new development growth opportunities to major redevelopment areas north and south of the new interchange; and,

WHEREAS, the City is presently in the process of preparing a revised land use and master development plan for the properties located within the respective administrative delay area that will provide a refined development vision taking advantage of the opportunities provided by the newly constructed interchange; and

WHEREAS, the rate of commercial and industrial growth has created redevelopment pressures that threaten to erode the potential development vision being prepared for this area; and,

WHEREAS, the geographic area included in this Administrative Delay is an area generally bounded by Pine Tree Plaza, 50 Highway, Adesa Property, Jefferson Street, Persels (west of M-291), Bailey (east of M-291), 16th Street (east of M-291), Union Pacific Railroad Right-of-Way and South M-291 Highway; and,

WHEREAS, March 31, 2016, the City Council directed staff to prepare a resolution for an administrative delay to prepare a land use and master redevelopment plan; and,

WHEREAS, the City Council is elected and is duty-bound to promote the community's health, safety, morals and the general welfare, which duty includes the preparation of plans and ordinances designed to effectuate the coordinated development of the City, and that, in accordance with existing and future needs, will best promote the general welfare, as well as conserve property values and encourage the most appropriate use of land throughout the City; and,

WHEREAS, generally, when it becomes apparent that there is a need to amend existing plans or ordinances to promote the health, safety and general welfare, a "race of diligence" sometimes ensues between landowners seeking to establish vested rights under existing law and the City Council seeking to enact an amended plan or ordinance before such vested rights are established, thereby creating additional safety and general welfare problems; and,

WHEREAS, this "race of diligence" is counterproductive to both individual landowners and the City as a whole, because landowners rush to submit applications that may not have received adequate consideration and to gain approval of such applications, and the City rushes to adopt plan or ordinance amendments that may not have received thorough analysis or been subject to full public debate with respect to the issues, goals, and policies of the proposed development controls,

RESOLUTION NO. 16-05

and therefore, may not be as responsive to either the City's or the applicant's goals and needs or received the degree of community input and debate as would otherwise be possible and appropriate; and,

WHEREAS, Section 1.070 of the Unified Development Ordinance ("UDO") provides for the administrative delay of development applications and building permit applications within a defined geographic location of the City by resolution of the City Council, based upon the likelihood that proposed amendments to the UDO or planning policies may impact the nature of development applications, if the Council determines that development applications related to property within the defined geographic area covered by the resolution will be impacted by the proposed Chapter text amendment or planning policy; and,

WHEREAS, this resolution is adopted pursuant to the authority granted to the Council by section 1.070 of the UDO because the Council has determined that development applications and building permit applications will be impacted by the pending land use and master development plan being prepared and considered by the City; and,

WHEREAS, the City Council also recognizes that administrative delay is an extraordinary remedy that should be used judiciously and only after serious evaluation and analysis by staff and the City Council, and based upon staff's carefully considered recommendation; and,

WHEREAS, to ensure that the City Council successfully, fairly and rationally fulfills this duty it is necessary to delay all development applications and building permit applications for the construction of new buildings or expansion of existing buildings in the administrative area herein defined to preserve the development vision currently under consideration until the completion of the revised land use and master development plan amendments that establish such goals, objectives and recommendations which may result therefrom; and,

WHEREAS, the City Council also recognizes that it has an equally important duty to fully consider applications for the issuance of building permits whenever such applications are consistent with the City's Comprehensive Plan and the City's Code of Ordinances, and that it is necessary that the status quo be preserved in the City for the shortest amount of time that will allow the City to complete the land use and master development plan and establish policies necessary for the preservation of the redevelopment vision; and,

WHEREAS, the City Council has determined that it is appropriate and necessary to provide an appeal process to individuals or entities affected by this administrative delay.

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

SECTION 1. Authorization of Administrative Delay.

A. Initiation of Delay, Geographic Area and Duration of Delay. The City Council finds that development applications and building permit applications which authorize construction of new buildings or expansion of existing buildings within the geographic area defined as an area generally bounded by Pine Tree Plaza, 50 Highway, Adesa Property, Jefferson Street, Persels (west

RESOLUTION NO. 16-05

of M-291), Bailey (east of M-291), 16th Street (east of M-291), Union Pacific Railroad Right-of-Way and South M-291 Highway, as depicted in Exhibit A attached hereto and incorporated by reference as if fully set forth herein, will be impacted by the pending land use and master development plan policy deliberations, and approval of such applications may adversely affect the character of this newly refined redevelopment area while the appropriate land uses and development plans are prepared and considered by the City. The City Council hereby directs that no development application or building permit application which authorize construction of new buildings or expansion of existing buildings (the "Affected Permits") shall be processed, while the City undergoes deliberations and until the adoption of the land use and master development plan implementing such policies and establish such goals, objectives and recommendations which may result therefrom. Provided that, in no event shall this direction extend beyond October 1, 2016, unless the City Council, by motion approved by a majority vote of the Councilmembers present at a duly noticed meeting, extends the date of this administrative delay.

B. Determination for Delayed Permits. Any application for an Affected Permit in the area geographically defined in section 1.A of this resolution received during the effective period of this resolution shall be held in suspension and delayed by the Planning and Codes Administration Department.

SECTION 2. Appeal.

A. Filing with City Clerk. If an applicant believes that the City's determination not to accept or to process an Affected Permit is unreasonable, the applicant may file a written appeal of the determination with the City Clerk within ten (10) business days after receiving written notice of the determination.

B. City Council Hearing. If an appeal is timely and properly filed, the City Clerk shall schedule a hearing before the City Council at its next regularly scheduled meeting, or as soon thereafter as practicable in the normal course of managing Council agendas, at which the applicant shall bear the burden of establishing by a preponderance of the evidence that processing the Affected Permit will not undermine the spirit and intent of the pending study including pending policies, goals or objectives. If the City Council determines that such action will not undermine the spirit and intent, it shall direct that the application be processed.

C. Standards for Determining Spirit and Intent. The City Council shall consider the following in determining whether applications, with respect to which an appeal has properly been filed, if approved, will undermine the spirit and intent of the pending land use and master development plan:

- (a) the City's interest in protecting the public's health, safety, and general welfare;
- (b) the adverse effect upon the future vision of the redevelopment area being considered;
- (c) the City's interest in avoiding the creation of conflicts with the future redevelopment plan;
- (d) the extent to which the proposed use, if applicable, will negatively affect the continuity of the redevelopment plan;
- (e) the economic impact and hardship of the delay upon the owner.

SECTION 3. No Amendment of Code. This Resolution is not intended as, and should not be interpreted as, an amendment to the City's Comprehensive Plan, the Code of Ordinances or the

RESOLUTION NO. 16-05

Unified Development Ordinance, but is merely direction to staff with respect to the acceptance of and processing of applications for Affected Permits within the geographic area as defined herein and as depicted in Exhibit A.

PASSED and ADOPTED by the City Council for the City of Lee's Summit, Missouri this 31st day of March, 2016.



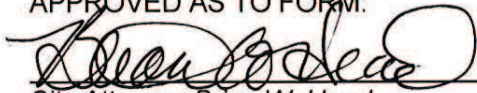
Mayor Randall L. Rhoads

ATTEST:



City Clerk Denise R. Chisum

APPROVED AS TO FORM:



City Attorney Brian W. Head

ADMINISTRATIVE DELAY AREA

