



SPECIAL USE PERMIT PROCESS

Purpose of Special Use Permit

Some land uses (such as car dealerships, junk yards, and telecommunication towers) are only permitted upon the approval a Special Use Permit (SUP) for the specific use at a specific location. Table 6-1 of the Unified Development Ordinance lists uses that require a special use permit and shows the zoning districts in which such a permit may be considered. A new land use that is not listed in the zoning ordinance may also be considered through the Special Use Permit process. Special use permits are generally approved for a specific period of time, and are subject to renewal upon expiration. The renewal process is similar to the initial approval process.

The purpose of the public hearing process is to make sure that the proposed use is appropriate at the proposed location and compatible with existing or planned uses on the surrounding properties. The Planning Commission and City Council will consider any concerns that surrounding property owners or members of the general public may have regarding the proposed development and its impact on the community.

Step 1 – Pre-Application Meeting

The UDO requires the applicant to meet with City Staff at a “pre-app” meeting prior to submitting an application. Staff members include representatives from Development Services, Public Works, Traffic Engineering, Fire, and Parks. An exchange of information early in the process can often make the rest of the development go more smoothly. The purposes of the pre-application meeting are:

- **Applicant** - The applicant can explain the proposed development and present any sketches or plans. Detailed plans are not required, but the more information brought to the meeting, the more thorough and specific staff can be in response.
- **Staff** - City staff will advise the applicant of:
 - Land use considerations, including compatibility with the Comprehensive Plan and adjacent land uses
 - Procedural requirements for submitting an application and going through the appropriate process
 - Site design regulations, including setbacks, parking, screening, traffic, and others
 - Building code regulations
 - Special studies required, such as traffic, storm water, etc.
 - Public sources of information that may aid the applicant
 - Policies that may create opportunities or pose significant restraints

Step 2 – Filing the Application

The applicant must submit the following items to the Development Services Department:

- **Application** - A complete application for preliminary development plan, including all items identified in the Submittal Requirements checklist.



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- **Drawings** – The proper number and type of drawings, including site plan, landscape plan, building elevations and civil engineering plans. These include full-size and reduced drawings, **as well as an electronic copy.**
- **Checklists** - Completed checklists. See UDO Article 2 for the preliminary development plan application contents and submission requirements.
- **Fees** - Application filing fee and legal notice publishing charge, payable to the City of Lee's Summit - see Schedule of Fees and Charges. Two legal notices are required for a preliminary development plan application. A single payment covering the application fee and legal notice charge may be accepted. An application may be withdrawn at any time upon written request; however, no refund will be made after the initial publication.
- **Deadline** - All information must be submitted by the deadline date. Items will be placed on the Planning Commission agenda based upon the completeness of the application submittal. All additional information to support the application must be submitted by the deadline. The application will be delayed if information is missing or is not submitted by the deadline date.

Step 3 – Neighborhood Meeting

One neighborhood meeting is required for each application, which must occur within the initial 10 day review period and prior to re-submission of the application. More than one neighborhood meeting may be held on an application, at the option of the applicant.

- **Timing and Location:** Within two miles of the project site, Monday through Thursday, excluding holidays; and start between 6:00 P.M. and 8:00 P.M. If a location for the meeting is not available within [2] miles of the subject property, the applicant shall select a location outside this area that is reasonably close to these boundaries.
- **Notification** shall be sent by certified mail or delivered to property owners within 300 feet of the project site. Mailed notices shall be postmarked at least seven days prior to the meeting. Hand deliveries must occur at least five days prior to the meeting.
- **Notes:** The Applicant shall take sufficient notes at the neighborhood meeting to recall issues raised by the participants, in order to report on and discuss them at public hearings before City governmental bodies on the application. The notes shall be turned in with the application re-submittal.

Step 4 – Development Review Committee (DRC)

The Development Review Committee is a staff-only committee consisting of 10 to 15 representatives of various city departments and divisions that reviews each item on the agenda, and identifies relevant issues. The development departments then prepare written comments for the applicant, which will be sent to all parties listed on the application form (via fax or email) on the Friday before the Tuesday Applicant's Meeting. A Project Manager will be assigned as the project lead on each application.



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Step 5 – Applicant’s Meeting

The applicant is required to attend an Applicant’s meeting:

- **Staff** - City staff will provide a technical review of the submitted plans and request any necessary plan revisions.
- **Applicant** - The applicant will have an opportunity to ask questions.
- **Timeline** - Staff will provide a timeline for the rest of the process. If extensive changes are required or more information is needed to adequately review the application (e.g. additional traffic or engineering studies), the application may be rescheduled to a later Planning Commission meeting date to allow time for the necessary work to be completed. If deficiencies are minor, the item will be scheduled for a Planning Commission meeting, subject to revised plans being submitted by the Revised Plans Due date.

This meeting is *not* the appropriate forum to discuss policy issues or negotiate any agreements. If an application involves policy issues or items that may be resolved through a development agreement, the Lead Planner will schedule a separate meeting with appropriate City staff.

Step 6 – Notices and Posting of the Property

- **Notice in Newspaper** – City staff will prepare and publish the required legal notice of the time and place of the public hearings, which must be published 15 days prior to the hearing in an official City paper.
- **Letters to Surrounding Property Owners** – The applicant must mail notices by certified mail, to all property owners within 300 feet of the property, at least 15 days prior to the hearing, notifying them of the opportunity to be heard. A form letter for the notice can be obtained from the Development Services Department. An affidavit must be submitted certifying that notice has been sent, along with a list of property owners and a copy of the letter sent.
- **Sign** – The applicant must post a sign on the premises at least 15 days prior to the date of the hearing, informing the public of the time and place of the public hearing. The City will furnish the sign to the applicant for posting. The applicant shall make a good faith effort to maintain the sign for at least 15 days immediately preceding the date of the hearing through the hearing, and through any continuances of the hearing. The sign shall be placed within 5 feet of the street right-of-way line in a central position on the property. The sign shall be readily visible to the public. If the property contains more than 1 street frontage, 1 sign shall be placed on each street frontage so as to face each of the streets. The sign may be removed at the conclusion of the public hearing and must be removed at the end of all proceedings on the application or upon withdrawal of the application.

Step 7 – Planning Commission Public Hearing

The Planning Commission consists of nine (9) appointed citizens who meet on the second and fourth Thursday of each month in the Council Chambers of City Hall at 220 SE Green Street. All meetings are televised on the local cable television government channel.



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The Commission holds a public hearing on each preliminary development plan application and makes a recommendation to the City Council.

- **Applicant's presentation** - The applicant begins the public hearing with a presentation, which should include a brief description of the proposed project and a response to any concerns raised in the staff report. Visual presentations shall be:
 - In electronic format - on a laptop, CD ROM, DVD, or flash drive. The City's presentation system can support Word, Excel, Power Point, Adobe, Windows Media Player and Internet Explorer applications.
 - Reduced drawings for use on the Document Camera to display on the screen. Presentation boards will not be allowed, as they cannot be seen by the audience.
 - Samples of building materials (samples are required to be brought to the meeting or submitted in advance, and shall be retained by the City); and any additional information which the applicant wishes to bring to the meeting (for example, color renderings, maps, photographs, or petitions). *(It is recommended that any additional information be provided to staff in advance, so it can be included in the Commissioner's packets.)*
- **Staff's presentation** - Staff will then give a staff report and recommendation.
- **Public comments** – members of the audience will be given an opportunity to speak. If issues or concerns are raised by the public, the applicant is typically given an opportunity to respond.

Commission discussion and decision - The Commission members may ask questions of either staff or the applicant. Finally, the public hearing portion of the meeting is closed, and the Planning Commission discusses the action that should be taken and the reasons for that action. The Planning Commission's action is a recommendation to the City Council to either approve, approve with conditions, or deny the application. The Planning Commission may also vote to continue an application to a later meeting to allow further study or the submission of information by the applicant or staff. Once the Planning Commission has made a recommendation, a hearing (typically three weeks later) will be scheduled before the City Council.

Step 8 – City Council Public Hearing

The Lee's Summit City Council holds public hearings at their regular meetings on the first and third Tuesdays of each month at the Council Chambers of City Hall at 220 SE Green Street.

- **Public Hearing** - The format of the public hearing is similar to that used by the Planning Commission and applicants should plan on making a similar type of presentation. After the City Council has listened to the presentations and to any public comments, they will discuss the application and then take action. The City Council will either reject the request or direct staff to prepare an ordinance granting the zoning change.
- **Ordinance** - The ordinance is normally read at a subsequent City Council meeting and approved or denied.

LEE'S SUMMIT MISSOURI

SPECIAL USE PERMIT APPLICATION

1. PROPERTY LOCATION/ADDRESS: 607 & 610 NW Blue Parkway, Lee's Summit, Missouri 64063

2. ZONING OF PROPERTY: CP-2 TIME PERIOD REQUESTED: 20 Years

3. DESCRIPTION OF USE: Automotive Repair Services (Lee Summit UDO Article 6; Sec 6.440); Outdoor Sale or Lease of Motor Vehicles/Equipment (Lee Summit UDO Article 6; Sec. 6.1050); consistent with Ordinance No. 6348 attached hereto as Exhibit A.

5. LEGAL DESCRIPTION (attach if description is metes and bounds description): See attached Exhibit B.

6. Size of Building(s) (sq. ft): Approx. 52,822 total sq. ft. Lot Area (in acres): Approx. 7.33 total acres

7. APPLICANT (DEVELOPER) Spencer Fane LLP PHONE 417-888-1000
 CONTACT PERSON Henry Sivils FAX 417-881-8035
 ADDRESS 2144 E. Republic Rd., Suite B300 CITY/STATE/ZIP Springfield, MO 65804
 E-MAIL hsivils@spencerfane.com

8. PROPERTY OWNER TRD Real Estate, LLC PHONE 913-226-6385
 CONTACT PERSON Zachary Sight FAX _____
 ADDRESS 610 NW Blue Parkway CITY/STATE/ZIP Lee Summit, MO 64063
 E-MAIL zsight@bobsight.com

9. ENGINEER/SURVEYOR Viking Surveys PHONE 913-492-6179
 CONTACT PERSON Curtis Tolson FAX _____
 ADDRESS P.O. Box 13324 CITY/STATE/ZIP Overland Park, KS 66282
 E-MAIL curtis@vikingsurveys.com

10. OTHER CONTACTS N/A PHONE _____
 CONTACT PERSON _____ FAX _____
 ADDRESS _____ CITY/STATE/ZIP _____
 E-MAIL _____

All applications require the signature of the owner on the application and on the ownership affidavit. Applications without the proper signatures will be deemed incomplete and will not be processed.

 _____ PROPERTY OWNER	 _____ APPLICANT
Print name: <u>Thomas K. Sight, Sole Manager of TRD Real Estate, LLC</u>	Print name: <u>Henry Sivils</u>

Receipt #: _____ Date Filed: _____ Processed by: _____ Application # _____

LS LEE'S SUMMIT MISSOURI

OWNERSHIP AFFIDAVIT

STATE OF MISSOURI)

ss.

COUNTY OF JACKSON)

Comes now Thomas K. Sight, in his capacity as the sole manager of TRD Real Estate, LLC (owner)

who being duly sworn upon his/her oath, does state that he/she is the owner of the property

legally described as _____

Tract 1: Lots 1 and 2, BOB SIGHT FORD, LOTS 1 & 2, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

Tract 2: Lot 1A, REPLAT OF LOT 1, CHIPMAN PLAZA, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

in the application for a special use permit
type of application (e.g., rezoning, special use permit, etc.)

Owner acknowledges the submission of said application and understands that upon approval of the application the proposed use specified in the application will be a permitted use upon the subject property under the City of Lee's Summit Unified Development Ordinance.

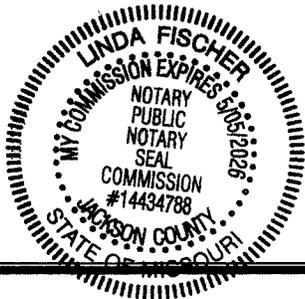
Dated this 25th day of April, 2024

[Signature]
Signature of Owner

Thomas K. Sight, sole manager of TRD Real Estate, LLC

Printed Name

Subscribed and sworn to before me this 25th day of April, 2024



[Signature]
Notary Public

5-5-2026
My Commission Expires:



In considering a special use permit application, the Planning Commission and City Council will give consideration to the criteria stated below to the extent they are pertinent to the particular application. (See UDO Section 6.650.)

1. Character of the neighborhood.
2. Compatibility with adjacent property uses and zoning.
3. Suitability of the property for which the special use is being requested.
4. Extent to which the proposed use will negatively impact the aesthetics of the property and adjoining properties.
5. Extent to which the proposed use will injure the appropriate use of, or detrimentally affect, neighboring property.
6. Impact on the street system to handle traffic and/or parking.
7. Impact of additional storm water runoff to the existing system or to the water shed area if no storm sewer is available.
8. Impact of noise pollution or other environmental harm.
9. Potential negative impact on neighborhood property values.
10. Extent to which there is need of the proposed use in the community.
11. Economic impact upon the community.
12. Extent to which public facilities and services are available and adequate to satisfy the demand generated by the proposed use.
13. Comparison of the benefit gained to the public health, safety and welfare of the community if approved versus the hardship imposed upon the landowner if the requested application is denied.
14. Conformance to the UDO and current city policies and ordinances.
15. Recommendation of professional staff.
16. Consistency with permitted uses in the area in which the special use is sought.



SPECIAL USE PERMIT CHECKLIST

Submittal Requirements	Yes	No*
Completed special use permit application form with signatures		
Ownership Affidavit form		
Legal description		
Filing fee – See Development Services Fees under the Schedule of Fees and Charges found at www.cityofs.net .		
Special use permit plans – 1 digital multi-page PDF plan sets, studies, letter and applications shall be separate files		
File Naming Conventions- All uploaded files should be named as follows DOCUMENT NAME_REVISION NUMBER_DATE OF PLAN STAMP		
Comprehensive narrative description of the use, both as to the function and operation, and as to structures, installations, equipment or surface improvements, changes or other requirements incidental to the use sought.		
Color photographs of surrounding structures within 185 feet and elevation drawings of the proposed special use in sufficient detail to determine compliance with the zoning district regulations in which the special use is to be located.		
Completed "Special Use Permit – Explanation" sheet describing how requested use relates to conditions listed in UDO Article 10, Div. II – Specified special uses.		
Completed preliminary development plan application form with necessary plans, fee, checklist, etc. as required for that application		

*** Applications missing any required item above will be deemed incomplete.**

Table 1. General Application Requirements Plan Submission Requirements				
UDO Article 2., Sec. 2.040	Ordinance Requirement	Met	Not Met	N/A
B.1. Date Prepared	Date prepared			
B.2. Name & address	Name, address and telephone number of the person who prepared, or person responsible for preparing, the plan;			
B.3. Scale	Graphic, engineering scale not to exceed 1:100. All plans shall be drawn to a standard engineer's scale of 1:50 or 1:100', unless a different scale is specifically approved by the Director.			
B.4. Plan Size	Plan size maximum of 24" x 36" with one inch border			
B.5. North Arrow	North Arrow; plan shall be oriented so north is to the top or to the right side of the sheet.			



SPECIAL USE PERMIT CHECKLIST

Table 1. General Application Requirements Plan Submission Requirements				
UDO Article 2., Sec. 2.040	Ordinance Requirement	Met	Not Met	N/A
B.6. Vicinity Map	Vicinity map with north arrow indicating the location of the property within the City.			

Table 1.A. Special Use Permit Plan Submission Requirements				
UDO Article 6, Sec. 6.630.	Ordinance Requirement	Met	Not Met	N/A
B. Prel. Dev. Plan	A preliminary development plan, accompanied by the number of copies required (see Submittal Copies Chart), containing all information set forth in Article 2, except when the SUP is for use of an existing building and where no substantial changes are proposed per Article 2.			
C. Narrative Description	A comprehensive narrative description of the use sought, both as to function and operation, and as to structures, installations, equipment or surface improvements, changes or other requirements incidental to such use.			
D. Length of Term	The length of term of the use after the date of issuance of the permit, if applicable.			
E. Special Description	Special conditions relating to the operation of the proposed use(s), site development and other pertinent descriptive factors.			
F. Photographs	Color photographs of surrounding structures within 185 feet and elevation drawings of the proposed special use in sufficient detail to determine compliance with the zoning district regulations in which the special use is to be located.			
G. Special Use Conditions	See Article 6, Division II, for conditions related to "Specified Special Uses."			

EXHIBIT A

ORDINANCE NO. 6348

[SEE ATTACHED]

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AUTO DEALERSHIP IN DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL DISTRICT) ON LAND LOCATED AT 607-615 NW BLUE PKWY FOR A PERIOD OF TWENTY (20) YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #2007-010, submitted by TRD, a Missouri LLC, requesting a special use permit for auto dealership in District CP-2 on land located at 607-615 NW Blue Pkwy, 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 Mach 13, 2007, and rendered a report to the City Council containing findings of fact and a recommendation that the special use permit be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on April 5, 2007, and rendered a decision to grant said special use permit.

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

SECTION 1. That the application pursuant to Section 5.310 of the Unified Development Ordinance allow an auto dealership in District CP-2 with a Special Use Permit is hereby granted for a period of twenty (20) years, with respect to the following described property:

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 47 NORTH, RANGE 32 WEST, IN THE CITY OF LEE'S SUMMIT, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 47 NORTH, RANGE 32 WEST; THENCE SOUTH 86 DEGREES 50 MINUTE 12 SECONDS EAST ALONG THE , NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1 A DISTANCE OF 278.86 FEET TO A POINT; THENCE SOUTH 2 DEGREES 33 MINUTES 40 SECONDS WEST A DISTANCE OF 30.00 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF CHIPMAN ROAD AND THE EAST RIGHT OF WAY LINE OF NW BLUE PARKWAY, THE POINT OF BEGINNING; THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE EAST RIGHT OF WAY LINE OF NW BLUE PARKWAY AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1860.08 FEET, THROUGH A CENTRAL ANGLE OF 11 DEGREES 40 MINUTES 29 SECONDS, AN ARC LENGTH OF 379.01 FEET TO A POINT; THENCE SOUTH 9 DEGREES 06 MINUTES 51 SECONDS EAST ALONG THE EAST RIGHT OF WAY LINE OF NW BLUE PARKWAY A DISTANCE OF 520.16 FEET TO A POINT; THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT WHOSE INITIAL TANGENT BEARS SOUTH 30 DEGREES 21 MINUTES 33 SECONDS WEST, HAVING A RADIUS OF 430.00 FEET, THROUGH A CENTRAL ANGLE OF 12 DEGREES 14 MINUTES 32 SECONDS, AN ARC DISTANCE OF 91.88 FEET TO A POINT; THENCE SOUTH 80 DEGREES 53 MINUTES 09 SECONDS WEST A DISTANCE OF 74.58 FEET TO A POINT; THENCE NORTH 9 DEGREES 06 MINUTES 51 SECONDS WEST A DISTANCE OF 596.76 FEET TO A POINT; THENCE IN A NORTHWESTERLY DIRECTION AND ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1985.08 FEET, THROUGH A CENTRAL ANGLE OF 11

DEGREES 42 MINUTES 45 SECONDS, AN ARC DISTANCE OF 405.79 FEET TO A POINT ON THE WESTERLY PROLONGATION OF THE SOUTH RIGHT OF WAY LINE OF CHIPMAN ROAD; THENCE SOUTH 86 DEGREES 50 MINUTES 12 SECONDS EAST ALONG SAID PROLONGATION A DISTANCE OF 125.01 FEET TO THE POINT OF BEGINNING, AND CONTAINING 121,564 SQUARE FEET OR 2.791 ACRES, MORE OR LESS

SECTION 2. That the following conditions of approval apply:

1. Approval of the special use permit shall be subject to approval of the rezoning (Appl. #2007-008) and preliminary development plan (Appl. #2007-009).
2. The special use permit shall be granted for a period of 20 years.
3. All vehicles shall be setback ten (10) feet from the Blue Parkway and Chipman Road right-of-way.
4. All display or storage areas must be paved and the vehicles arranged in an orderly manner with at least 3' between each vehicle.

SECTION 3. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City Unified Development Ordinance, No. 5209.

SECTION 4. That this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED by the City Council of the City of Lee's Summit, Missouri, this 26th day of April, 2007.



Mayor Karen R. Messerli

ATTEST:



City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this 3rd day of May, 2007.



Mayor Karen R. Messerli

ATTEST:



City Clerk Denise R. Chisum

APPROVED AS TO FORM:



City Attorney Robert H. Handley

EXHIBIT B

LEGAL DESCRIPTION OF PROPERTY

Tract 1: Lots 1 and 2, BOB SIGHT FORD, LOTS 1 & 2, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

Tract 2: Lot 1A, REPLAT OF LOT 1, CHIPMAN PLAZA, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

EXHIBIT C

SPECIAL USE PERMIT EXPLANATION

1. Automotive Repair Services (Lee Summit UDO Article 6; Sec. 6.440).

Conditions

- All activities are conducted within a building a fully screened area.
- Outside storage is confined to the rear of the property and visually screened in accordance with the buffer standards of Article 2 of the Lee Summit UDO.
- Do not generate noise, odors, or fumes that can be detected beyond the walls of the building in which the use is housed.
- Overhead doors are to remain closed to eliminate associated noise from such uses that are within 300 feet of any residential district or us. (Ventilation, exhaust and air circulation should be considered by the prospective business operator and/or owner when the enactment of this condition is present. Such use may require special fans, air conditioning, etc.).

Explanation of Met Conditions

Upon information and belief, the Property Owner is currently in compliance with the conditions set forth in Lee Summit UDO Article 6; Sec. 6.440, in its operation of the automotive repair services component of its currently existing and operating automotive dealership located on the Property. If this application is granted by the City of Lee Summit, Property Owner shall continue to operate the automotive repair services component of its automotive dealership located on the Property in compliance with the conditions set forth in Lee Summit UDO Article 6; Sec. 6.440. There are no new developments, modifications or improvements proposed in connection with this application.

2. Outdoor Sale or Lease of Motor Vehicles / Equipment (Lee Summit UDO Article 6; Sec. 6.1050).

Conditions

- Motor vehicles must be set back ten feet from all property lines or in compliance with the district's setback lines, whichever is greater.
- No fencing is permitted in the area forward of the main building or within the front yard setback if no building exists on the premises.
- All display or storage area must be paved and the motor vehicles arranged in an orderly manner.

Explanation of Met Conditions

Upon information and belief, the Property Owner is currently in compliance with the conditions set forth in Lee Summit UDO Article 6; Sec. 6.440, in its operation of the outdoor

sale/lease of motor vehicles component of its currently existing and operating automotive dealership located on the Property. If this application is granted by the City of Lee Summit, Property Owner shall continue to operate the outdoor sale/lease of motor vehicles component of its automotive dealership located on the Property in compliance with the conditions set forth in Lee Summit UDO Article 6; Sec. 6.1050. There are no new developments, modifications or improvements proposed in connection with this application.

3. Current Special Use Permit (Lee Summit Ordinance No. 6384).

Conditions

- Approval of Property Owner's rezoning application (Appl. #2007-008) and preliminary development plan (Appl. #2007-009).
- All vehicles shall be setback ten (10) feet from the Blue Parkway and Chipman Road right-of-way.
- All display or storage areas must be paved and the vehicles arranged in an orderly manner with at least 3' between each vehicle.

Explanation of Met Conditions

Property Owner's rezoning application (Appl. #2007-008) and preliminary development plan (Appl. #2007-009) we both approved. Upon information and belief, the Property Owner is currently in compliance with the remaining conditions set forth in Lee Summit Ordinance No. 6348, in its operation of its currently existing and operating automotive dealership located on the Property. If this application is granted by the City of Lee Summit, Property Owner shall continue to operate its automotive dealership in compliance with the conditions set forth in Lee Summit Ordinance No. 6384. There are no new developments, modifications or improvements proposed in connection with this application.

EXHIBIT D

SURVEY OF PROPERTY

[SEE ATTACHED]

SURVEY CERTIFICATION

To: Bob Sight Auto Group; Enterprise Bank & Trust and Chicago Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 7(b)(1), 8, 9, 11(a) and 11(b), of Table A thereof. The fieldwork was completed on January 8, 2024. Date of Plat or Map: January 10, 2024.

PRELIMINARY

Signed: Curtis D. Tolson, LS - 2236

Chicago Title commitment No. KCC232474 - Schedule "A" Property Description:

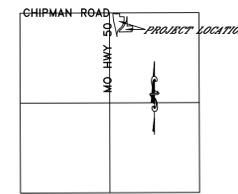
TRACT 1: Lots 1 and 2, BOB SIGHT FORD, LOTS 1 & 2, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.
TRACT 2: Lot 1A, REPLAT OF LOT 1, CHIPMAN PLAZA, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

Chicago Title commitment No. KCC232474 - Schedule "B" Exceptions:

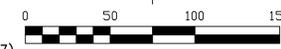
- 9. Property is subject to building setback lines and utility easements shown on the plat of Edmondson Crest recorded November 16, 1954 as Document No. 633531, in Plat Book 17, Page 124, as shown hereon.
10. Property MAY BE subject to easements, if any, for public utilities, installed in, under or upon the vacated 107th Street Terrace and 108th Street prior to the vacation thereof, and for which no notice appears in the Office of the Recorder/Register of Deeds. This refers to the plat in Plat Book 18, Page 23 which was mislabeled on the county website as being in Independence, but was actually in Lee's Summit. The entire plat appears to be vacated by documents found in Book 1847, Pages 441 and 443. Current plat of Bob Sight Ford, Lots 1 & 2, may contain language that vacated any remaining easements.
11. Property is subject to easement granted to the City of Lee's Summit, recorded August 29, 1967 as Document No. 914890, in Book 5993, Page 265, as shown hereon.
12. Property is subject to easements and restrictions contained in deed recorded August 6, 1973 as Document No. I-160209, in Book I-458, Page 1803, as shown hereon, as shown hereon.
13. Property is NOT subject to sewer easement granted to the City of Lee's Summit, recorded March 13, 1974 as Document No. I-176823, in Book I-505, Page 693. Said easement lies South of the surveyed property.
14. Property MAY BE subject to easement granted to Franchise Realty Interstate Corporation, recorded November 5, 1974 as Document No. I-197893, in Book I-559, Page 179. The properties described are to the East of Libby Lane but may give those properties some access and utility rights to a portion of Tract 2. This document is filed before the plat of Chipman plaza which then provided access and utility easements for the area.
15. Property is subject to sanitary sewer line easement granted to the City of Lee's Summit, recorded July 31, 1975 as Document No. I-217565, in Book I-611, Page 1008, as shown hereon.
16. Property is subject to roadway easement established by Warranty Deed recorded September 15, 1977 as Document No. I-301009, in Book I-786, Page 1698, as shown hereon.
17. Property is subject to building setback lines, utility and sewer easements shown on the plat of Chipman Plaza recorded October 25, 1977 as Document No. I-306253, in Plat Book 36, Page 9, as shown hereon.
18. Property is NOT subject to right of way granted to The Gas Service Company, recorded August 25, 1978 as Document No. I-346470, in Book I-871, Page 1147. Said easement lies on the east side of the 28' roadway.
19. Property is subject to building setback lines, utility and sewer easements shown on the Replat of Lot 1, Chipman Plaza, recorded January 7, 1994 as Document No. I-1243966, in Plat Book I-54, Page 30, as shown hereon.
20. Property MAY BE subject to temporary construction easement granted to the City of Lee's Summit, recorded December 26, 2002 as Document No. 20021020687. Said easement was recorded in 2002 and was to terminate 90 days after completion and thus has probably terminated.
21. Property is NOT subject to right of way granted to the City of Lee's Summit, recorded December 26, 2002 as Document No. 20021020688. Said easement abuts Lot 1, Bob Sight Ford, along the North property line.
22. Property is subject to utility easement granted to the City of Lee's Summit, recorded July 22, 2003 as Document No. 200310086819. Encroaches the building but was put in place before current building was constructed. Should have been vacated during the planning and construction phase.
23. Property is subject to terms and provisions of the Lee's Summit East Tax Increment Financing Plan, redevelopment plan, contract and agreement thereunder, including but not limited to PILOTS and EATS, according to Tax Increment Financing Contract recorded January 22, 2007 as Document No. 2007E0009221. Amended and Restated Contract recorded August 1, 2008 as Document No. 2008E0082099. Blanket in nature, nothing to plot.
24. Property MAY BE subject to retroactive assessments, if any, in relation to tax abatement. Not a survey issue.
25. Property is subject to terms and provisions of Development Agreement recorded June 6, 2007 as Document No. 2007E0074796. Amendment No. 1 to Development Agreement recorded July 9, 2008 as Document No. 2008E0073960. Blanket in nature, nothing to plot.
26. Property is subject to utility easement in the vacated Blue Parkway embraced herein, reserved in Ordinance No. 6408, vacating the same, a copy of which was recorded July 3, 2007 as Document No. 2007E0087549, as shown hereon.
27. Property is subject to easements, if any, for public utilities, installed in, under or upon the vacated Blue Parkway prior to the vacation thereof, and for which no notice appears in the Office of the Recorder/Register of Deeds, as shown hereon.
28. Property is subject to terms and provisions of City of Lee's Summit Ordinance No. 6458, accepting the plat of Bob Sight Ford, Lots 1 & 2, recorded January 9, 2008 as Document No. 2008E0002872. Blanket in nature, nothing to plot.
29. Property is subject to building setback lines and easements shown on the plat of Bob Sight Ford, Lots 1 & 2, recorded January 9, 2008 as Document No. 2008E0002873, in Plat Book 115, Page 32, as shown hereon.
30. Property is subject to terms and provisions of Cooperative Agreement recorded December 12, 2008 as Document No. 2008E0127185. Blanket in nature, nothing to plot.

Miscellaneous Notes:

- 1. The property described and depicted or shown hereon, are the same as the property described in Chicago Title commitment number KCC232474 with an effective date of December 4, 2023, at 8:00 AM and that all easements, covenants and restrictions referenced in said title policy have been plotted hereon or as otherwise noted as to their effect on the property. Basis of Bearings: Held corners found along the North line of Lot 1, Bob Sight Ford, Lots 1 & 2, a subdivision in Lee's Summit, Jackson County, Missouri, and related to Missouri Coordinate System 1983, West Zone. I further certify that this survey is based on an actual survey made by me or under my direct supervision and that survey meets or exceeds the current "minimum standards for property boundary surveys" as established by the Missouri Board of Architects, Professional Engineers and Land Surveyors, and the Urban Property Accuracy Standards of the Missouri Department of Natural Resources.
2. By scaled map location and graphic plotting only, the subject property appears to lie entirely in Zone Designations "X" (Areas determined to be outside the 0.2% annual chance floodplain) by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 29095C0417G, with a date of identification of January 20, 2017, for Lee's Summit, MO, which is the current Flood Insurance Rate Map for said community.
3. There is direct access to the subject property via NW Blue Parkway and NW Libby Lane, both public right-of-ways.
4. Property has 390 standard and 6 handicap parking spaces.
5. According to the city Zoning Letter, dated January 3, 2024, the property is zoned CP-2.
6. The property contains 375,085.38 sq. ft. or 8.61 acres, more or less.
7. The locations of all utilities shown on the survey are from visible surface evidence and information provided by others.
8. The posted address on site is 610 NW Blue Parkway, Lees Summit, MO 64063 and 596 NW Libby Lane, Lees Summit, MO 64063.
9. At the time of this survey: Rectified orthophotography, photogrammetric mapping, remote sensing, airborne/mobile laser scanning and other similar products, tools or technologies as the basis for showing the location of certain features. (#15)



SECTION 1-47-32 VICINITY MAP NOT TO SCALE



SCALE 1" = 50'

SYMBOL LEGEND

- NOT EVERY SYMBOL MAY BE USED
P.O.B. - Point of Beginning
P.O.C. - Point of Commencement
R - Radius
L - Arc Length
M - Measured
D - Dead
FH - Fire Hydrant
WV - Water Valve
WM - Water Meter
WMan - Water Manhole
GM - Gas Meter
GV - Gas Valve
GMarker - Gasline Marker
ACU - Air Condition Unit
CP - Cable Pedestal
EM - Electric Meter
ET - Electric Transformer
EMan - Electric Manhole
LP - Light Pole
GW - Guy Wire
GL - Ground Light
PP - Power Pole
AA - Asphalt Area
CA - Concrete Area
NPA - No Parking Area
BA - Building Area
Monumentation Found as Noted
5/8" Rebar w/Cap Set
Monument in Monument Box
Sanitary Sewer
Storm Sewer
Water Line
Gas
Underground Electric
Overhead Electric
Underground Telephone
Underground Cable T.V.
Underground Fiberoptics
Overhead Utilities
Flag Pole
Monitoring Wall
Ballard Post
Handicap Space
Sign
Mail Box
Telephone Manhole
Telephone Pedestal
Fiber Optic Marker
Vault
Storm Manhole
Curb Inlet Basin w/ Grate
Catch Basin
Cleanout
Sanitary Manhole
Guardrail
Fence
Wood Fence

UTILITY WARNING
UNDERGROUND UTILITIES AS SHOWN HAVE BEEN PLOTTED FROM EXISTING UTILITY DRAWINGS AND FIELD SURVEY INFORMATION. THEY ARE BELIEVED TO REPRESENT ALL THE UTILITIES FOR THE PREMISES, BUT THE SURVEYOR CAN MAKE NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN USE OR ABANDONED. THE SURVEYOR ALSO DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATIONS INDICATED.

REVISION NOTES

Table with 2 columns: Date, Comment. It is currently empty.

BOB SIGHT FORD
ALTA/NSPS LAND TITLE SURVEY
VIKING SURVEYS

SURVEY ORDERED BY: Name:
SURVEY PERFORMED BY: Curtis Tolson, KS 908, MO 2236
DBA Viking Surveys
P.O. Box 13324
Overland Park, KS 66282
(913) 492-6179
Curtis@vikingsurveys.com