



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

OWNERSHIP AFFIDAVIT

STATE OF MISSOURI)

ss.

COUNTY OF JACKSON)

Comes now _____ (owner)

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

legally described as _____

in the application for _____
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 _____ day of _____, 20____

Signature of Owner

Printed Name

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public

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 – \$900 + two legal notice publishing charges		
Legal Notice Publishing Charge – \$165		
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.			

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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."			