

Following Ms. Thompson's comments, Chairperson Norbury asked if there was anyone present wishing to give testimony, either in support for or opposition to the application. Seeing none, he then asked if the Commission had questions for the applicant or staff.

Mr. Delibero asked Mr. Park about the traffic impact, should Mr. Rao be correct about meetings attracting 150 to 200 people. Mr. Park answered that the City had not previously looked at this site as being an event space. If it was a matter of meetings occasionally bringing in that number of people, as opposed to that much increase daily, it would not likely be an issue. The applicant would need to clarify whether this would be a typical business operation. Mr. Rao stated that this number would be the typical membership of the co-working space; however, having that many people there at one time would not be an everyday occurrence. However, if a group such as the Chamber of Commerce held regular membership luncheon meetings there, it would generate 100 to 200 people on a scheduled basis. The site had about 75 parking spaces, in addition to the 65 to 70 available at the City parking lot next door.

Mr. Delibero then asked Mr. Rao what the height of the main sign would be. Mr. Rao clarified that this was a conceptual drawing but he did not know if the City would approve it. It was above the roof line, about 8 to 9 feet high. Mr. Delibero asked Ms. Thompson how this fit into the sign requirements, and Ms. Thompson answered that the UDO's Article 13 prohibited roof signs, so staff had not approved this one; although they could help with reworking the design. The Commission were not being asked to specifically approve the sign or any particular rendering of the building at this stage.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:18 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. Delibero made a motion to recommend approval of Application PL20199, Preliminary Development Plan, Co-work Lee's Summit, 210 SW Market Street and 211 SW Jefferson Street; Ben Rao, applicant; subject to staff's letter of November 18, 2016. Mr. Gustafson seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

On the motion of Mr. Delibero, seconded by Mr. Gustafson, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL20199, Preliminary Development Plan, Co-work Lee's Summit, 210 SW Market Street and 211 SW Jefferson Street; Ben Rao, applicant; subject to staff's letter of November 18, 2016.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

3. Application #PL2016-200 – UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #59 – Article 6 Overlay Districts, revisions to the Floodplain Overlay District regulations; City of Lee's Summit, applicant

Chairperson Norbury opened the hearing at 5:20 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. Binger entered Exhibit (A), list of exhibits 1-8 into the record. He related that FEMA (Federal Emergency Management Agency) regularly updated floodplain maps via hydraulic studies. The last update was launched in 2006 and completed in 2014; a procedure that had been followed since the 1970s. The amendment was a proposal to adopt these updated maps. This had to be done, by January of 2017, in order for the City to participate in the national flood insurance program. Over the years updates had been based on USGS topographical maps, which had 10- to 100-meter contour intervals; and more accurate topographical information had become available over the decades due to aerial imagery and other improved technology. Contour intervals were now down to about one or two feet. Using the better contours, FEMA basically reran the models of streams and hydraulic flow; and this changed the boundaries. The ordinance amendment would adopt the new maps, following a public comment period.

Mr. Binger added that the packets included a listing of 129 properties currently covered by the national flood insurance program. These properties would include structures, since FEMA dealt with insurable structures. Adoption of the new maps would add about 450 acres altogether; and in this case the addition did not necessarily indicate that a structure existed on the land. Another 450 acres were being removed from inclusion in a flood hazard area. The amendment would also update some of the administrative processes for floodplain development permits. It more clearly defined the roles of a floodplain administrator, the Board of Zoning appeals process and some of the violation penalties. While the 'changes version' of the amended ordinance in the packets looked confusing; however, it did summarize the changes.

Mr. Binger then displayed an example of some of the changes to the floodplain overlay, noting that since this was an overlay district it did change the zoning on the maps. He pointed out the regulated floodway indicated on the map as a red or lavender strip. These were areas where a waterway was going directly through and development was generally prohibited unless there would be no change in the flood water elevation – a 'no rise' condition. If a structure was being put across a stream, it went through a permitting process. The bands of dotted blue or green indicated the 2006 floodway fringe, or floodplain. These indicated a one percent chance of flooding during a rain event. Beyond the floodway, indicated in solid blue, was the change in the boundary; with the floodplain moving outward. Mr. Binger pointed out a small area indicated in green that had been removed from the floodplain.

The rainfall data had changed as well; and had been updated based on local conditions instead of regional or statewide. Formerly in Lee's Summit, a 'one percent storm' had been 7 inches of rain within 24 hours. The new data indicated 9 inches in 24 hours, a noticeable change in volume of water.

Mr. DeMoro asked how homeowners whose land was now in the new floodplain were being notified. Mr. Binger replied that FEMA basically routed notification through mortgage lenders, who were responsible for enforcing the flood insurance requirements for structures built on properties in a flood area. Next spring, lenders would send notices to property owners of being added to or removed from a flood area and that their insurance requirements would change accordingly. Mr. DeMoro asked how owners who had inherited property or paid off mortgages would be notified, and Mr. Binger acknowledged that these situations amounted to a gap in the enforcement. Mr. DeMoro asked if the City would initiate notices for these owners, and Mr. Binger replied that traditionally this was not something the City was responsible for, since it was enforced through lenders. They could look into taking that on, although it would take some time

and work to identify these properties. Sometimes the City met with property owners about issues or questions relating to stormwater, and they could notify some in that way.

Chairperson Norbury noted the reference in the summary to clarifying the appeals and variance process; and asked if this was a change in that process. Mr. Binger replied that there were no changes; however, the former language had just stated that an applicant could appeal, and had been rather vague. It had been necessary to search through the UDO to find that an appeal should be taken to the Board of Zoning Adjustments. The amendment also clarified what were grounds for an appeal, and explained the process. Chairperson Norbury asked if this was dictated by FEMA or was local jurisdiction. Mr. Binger answered that appeals to the floodplain development permit process were locally-based; and the City's role was basically preventive, by identifying flood hazard areas as development and building permit applications came through and making requirements for a floodplain development permit clear to applicants.

Mr. Delibero commented that the City's approval of the amendment was necessary for affected property owners to get flood insurance; and in doing that the City was imposing insurance requirements on some residents and removing them from others. Mr. Binger responded that this was correct.

Chairperson Norbury asked if there were further questions for the applicant or staff; or any comments from the public. Hearing none, he closed the public hearing at 5:30 p.m. and asked for discussion among the Commission members, or for a motion.

Mr. DeMoro asked if it was correct that the Commission would be approving the amendment application, and not giving a recommendation for approval. Mr. Soto answered that it would go to the City Council,

Mr. DeMoro made a motion to recommend approval of Application PL2016-200, Unified Development Ordinance (UDO) Amendment 59: Article 6 Overlay Districts, revisions to the Floodplain Overlay District regulations; City of Lee's Summit, applicant; subject to staff's [undated] report. Mr. Funk seconded.

Chairperson Norbury asked if there was any discussion of the motion. Hearing none, he called for a vote.

On the motion of Mr. DeMoro, seconded by Mr. Funk the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2016-200, Unified Development Ordinance (UDO) Amendment 59: Article 6 Overlay Districts, revisions to the Floodplain Overlay District regulations; City of Lee's Summit, applicant; subject to staff's [undated] report.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

OTHER AGENDA ITEMS

4. DISCUSSION of Livable Streets Lee's Summit
--