



**The City of Lee's Summit**  
**Action Letter**  
**Planning Commission**

Tuesday, July 25, 2017

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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CALL TO ORDER

ROLL CALL

**Present:** 7 - Board Member Carla Dial  
Board Member Colene Roberts  
Board Member Don Gustafson  
Board Member Donnie Funk  
Board Member J.Beto Lopez  
Board Member Herman Watson  
Board Member Jeff Sims

**Absent:** 2 - Board Member Jason Norbury  
Board Member Dana Arth

APPROVAL OF AGENDA

A motion was made by Board Member Roberts, seconded by Board Member Lopez, that the agenda be approved. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

[2017-1391](#) Minutes of the July 11, 2017, Planning Commission meeting

A motion was made by Board Member Roberts, seconded by Board Member Lopez, that these minutes be approved. The motion carried unanimously.

PUBLIC HEARINGS

OTHER AGENDA ITEMS

[2017-1378](#) Planning Commissioner Training

Mr. McKay commented that this training would take a high overview approach. It would set out the basic principles and parameters and make it clear how the Planning Commission fit into the larger picture the City Council and the City's various committees and commissions, and City staff.

The reason for city planning was not only to set expectations and create a series of guidelines for the protection of neighborhoods. It was also the means to implement the community's vision via the Comprehensive Plan. A planning approach also helped promote economic

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development and provided a forum for reaching consensus. The City now had a new sustainability section that tried to reduce environmental damage, as well as to help connect people to the community. In many City activities, especially public hearings, staff encouraged people in neighborhoods adjacent to developments to attend and express their views. Determining what would work to the city's benefit also helped to save money. Any time the City took on building and maintaining infrastructure such as roads and bridges, the process included determining the way to create and maintain connectivity to neighborhoods including accessibility for police and firefighters. Mr. McKay then gave a summary of the Council's and Commission's various roles and responsibilities.

**City Council:** This was a governing body with elected members including the Mayor. They brought with them the interests of their specific districts as well as their political perspective; and set the overall policy for the City. Members of the Planning Commission were appointed by the Mayor, with the Council's affirmation. The Council made the final decisions on legislative actions, including rezonings, preliminary development plans, zoning ordinance amendments and final plats.

**Planning Commission:** State statutes designated a Planning Commission as primarily playing an advisory role to the City Council. It had sole responsibility for the Comprehensive Plan; although this did not mean the Council had to abide by the plan. Some other states did give Planning Commissions more authority, with a super majority being required for a City Council to override their vote. The Planning Commission did approve the preliminary plats, which did not go on to the City Council. The final plats attached to these in phases went through the City Council for approval.

The Planning Commission also provided input into UDO amendments. The Unified Development Ordinance included zoning ordinances and subdivision regulations. Staff was currently working on Amendment 63. The UDO was adopted in November of 2001 and from there on, the upkeep in remaining current was a continuous process. Changes had come about via trends and new developments, most recently the millennial generation coming of age. Planners were trying to get a realistic estimate of what the next few decades would be; and that was where the Comprehensive Plan played a major role. In previous decades the very large baby boom generation had come of age and now were a very large senior group. These two groups represented a major change and planners had to figure out how to combine them. As an older generation the boomers tended to have more money and millennials would be making major market and lifestyle decisions over the next few decades. The UDO and Comprehensive Plan keeping up with these changes would be increasingly important.

Staff would continue to bring in information and training about new and upcoming trends, similar to MARC's "Communities For All Ages" presentation. As its members were appointed and not elected, the Planning Commission tended to represent the community perspective. Staff was charged with supporting both the Planning Commission and the City Council. When someone brought in an application, staff would hold pre-application meetings. These would involve people from most individual departments; and the City had technical resources to illustrate aspects such as maps showing individual property lines, zoning districts, incentive overlays and diagrams of water and sewer lines. Sometimes an applicant would get plan-changing information, such as plans to develop an inexpensive piece of land whose lack of access or infrastructure would make it expensive at the development stage. Staff would not only answer questions but set out the requirements for going through the application process. Staff met on Mondays to review applications that had come in by last Friday's deadline, checking to see if they were complete and included all the necessary information. It was staff's obligation to 'provide fair, ethical and professional advice and recommendations' They did their best to adhere to an ethical code and to give straightforward answers, especially when it involved City policy, regulations and guidelines. If staff could not support or make a positive recommendation, the applicant needed to know; and in over 90 percent of the time in these circumstances, the applicant did not proceed with the application. In many cases of a

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difficult application, they were able to agree on conditions that would enable staff to recommend approval. Staff provided background information and staff reports, prepare any UDO text amendments that would be involved and answer technical questions. Mr. McKay concluded that staff's was the policy perspective.

Preparation for a public hearing was a specific procedure for Commissioners as well. The Chair would review the agenda with Planning staff, and would often contact them with requests about the agenda or with questions, such as expected public attendance for a specific hearing. Commissioners were asked to prepare for the meeting by reading the agenda and staff's report, and review ordinance sections that were pertinent to applications. They were also expected to be familiar with basic parliamentary procedure. Staff tried to get agendas out by the Friday afternoon before the meeting. The information that applicants submitted always had attachments, including explanations of requested modifications. Mr. McKay encouraged Commissioners with any questions or requests for clarification before the meeting.

Before the meeting, staff asked that Commissioners review both the applicant's submittal information and staff's analysis and recommendation. Applicants often submitted attachments with other information, and written explanations for a request for modification. Commissioners could research data and technical information but could also contact staff if necessary. In every case, they should keep in mind the proposal's relationship to the UDO, Comprehensive Plan and any specific area and corridor plans involved; and staff's report always addressed this aspect. There were times when a project was not altogether consistent with the Comprehensive Plan; but staff considered it to be a good project, Commissioners could request details of the reasons. Mr. McKay added a request that Commissioners try to avoid contacting staff the day of the meeting.

Visiting the actual sites of proposed applications was a good idea whenever possible, and Google Earth could be helpful as well. The context of the site could include elevation and changes in elevation, overall size, water features, nearby development and surrounding traffic conditions. These could all impact the developer's ability to complete the project; and often reflected planning issues. The community's needs and long-term goals should always be considered.

The Commission would be meeting with the City Council in a joint work session on September 14. It would be an opportunity to clarify what the Council expected of the Planning Commission. In his experience, here and elsewhere, it became extremely difficult to get any developments through the process when a City Council was on a totally different wavelength than a Planning Commission. A lot of potentially good development could be amended and tweaked, and still be do-able and meet both the Commission's and Council's expectations. The first meeting next month would be an opportunity to meet and have discussions, and Legal would clarify the legal issues. He had asked the Mayor to consider having these meetings two or three times each year. Mr. McKay added that the City would be considering a new UDO in about 8 or 9 months.

Commissioners were required to attend the majority of the meetings. Three consecutive absences would require a meeting with the Mayor about the reasons. Some, such as illness or a family emergency, could be excused; others could not. Commissioners were also expected to be on time and seated before the start of the meeting. Mr. McKay commented that some applications attracted large numbers of citizens who lived nearby and wanted to give input either in support or opposition; and these were especially bad occasions for a sparsely-attended meeting. If attendance was below quorum level, the meeting had to be cancelled and the applications rescheduled.

At the meeting, the Chair would open the meeting, any all hearings, and initially note any agenda changes. The Chair would identify the item number being considered and lead public hearing discussions. Decorum was always required, of everyone present. Personal attacks and

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applause were not advised, and the Commission was to keep the focus on the items they were expected to consider. The Chair was to maintain control at all times: if the audience got out of control, the entire meeting was out of control.

Some applications required a public hearing and others did not. They were held for major land use applications, a term that included rezoning, preliminary development plans and Special Use Permit. The latter usually had a time period, and staff kept a log of all SUPs, the dates they were put in place and the dates they expired. Staff tried to notify holders within two or three months before expiration but sometimes these came in during the last few weeks. Cell towers had formerly required time limitations although one applicant had requested one; State no longer allowed any time period requirements for cell towers. The City was still allowed to require owners to do a structural analysis every three years. UDO and Comprehensive Plan amendments required public hearings as well. With Comprehensive Plan amendments, staff often notified specific groups that had shown an interest in the plan. Staff tried to meet with these groups beforehand, sometimes hosting an open house. After hearing their perspective, staff would work the findings into the Comprehensive Plan if possible. Staff might mention their concerns at the public hearing; however, at the public hearing stage the decision was that of the Planning Commission. This kind of amendment would not go on to the City Council; although staff had an idea of what their preferences were. The Comprehensive Plan was expected to reflect the direction the City wanted to go. Staff considered the city's needs, such as space for retail uses; and residential neighborhoods needed to have such services within a reasonable distance.

The order of items at the meeting was pre-determined. After the Chair opened the meeting, anyone wanting to speak was sworn in. The Chair then requested the applicant's presentation, followed by staff's presentation and remarks. During the following open public testimony, the Chair set and enforced time limits when necessary for a large number of people attending. A person speaking for a group might be allowed more time; and the Chair could use his or her own discretion. The Commission would hear testimony from people both supporting and opposing the application. The Chair would then ask for questions from the Commission and give Commissioners opportunity for further discussion before closing the hearing. After this, the Commissioners could discuss the item, followed by a motion to recommend approval, denial, or continuance for more information. In the case of continuance, the application would not go on to the Council until the Commission have an approval or denial recommendation. The continuance could be until the next meeting or a later date. The voting results were sent to the City Council for consideration, along with the minutes and an updated staff report. The Council would be informed about the Commission's vote and get new plan sets if these were needed. For example, sometimes an applicant would agree at the Commission level to modify the landscape plan and the Council would need to see the results. At times the Commission vote would be counter to staff's recommendation; and the Council would be aware of the disagreement and the reasons for it.

When the application moved on to a second public hearing by the Council, staff would present the Commission's recommendation along with their report. The applicant would again make a presentation. The Council could accept the Commission's recommendation for approval or denial, or they could override it. Once in awhile they would refer the application back to the Commission for additional information and review or to consider something new brought up in the Council's hearing. If the Council approved the application, the Mayor would request a reading of the ordinance and the application would come back for a second reading two weeks later. After this second reading, it would become law and they applicant could submit a final development plan. It was staff's job at this point to compare the final plan to the approved preliminary plan to see if they were consistent. Occasionally an applicant would request a minor change and this could be approved administratively as long as it was not a major deviation from what was approved. A major change would require another public hearing. Building plans could be submitted at the same time as a final development plan. The final step was issuing the permits, and it was the responsibility of Field Services to do required

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inspection. The City now had three project managers, who were involved in applications from beginning to occupancy.

Mr. McKay concluded by emphasizing that the Planning Commission was valued and made a positive difference. The Commission was a recommending body but its recommendations had a lot of weight. Staff was available for any help they could give. They had a draft for a revised Comprehensive Plan but wanted to get some public feedback before public hearing. Mr. McKay stated that he would welcome any questions or comments.

Mr. Gustafson noted that staff generally got agendas on Friday, and when that agenda included a lengthy list of items it was rather short notice. That often made the time short for preparation, especially if a Commissioner wanted to visit the site for a development. Mr. McKay explained that Council packets were being put together at the same time, and the planners involved were compiling information for both the Commission and the Council. Staff had to have these ready by noon on Wednesday. Moreover, staff got input from a variety of departments; however, they could look into early distribution of shorter agendas. He acknowledged that Commissioners got agendas on short notice.

PUBLIC COMMENTS

ROUNDTABLE

Vice Chair Funk introduced Mr. Jeffrey Sims, the newest Planning Commission member.

ADJOURNMENT

For your convenience, Planning Commission agendas, as well as videos of Planning Commission meetings, may be viewed on the City's Internet site at "[www.cityofls.net](http://www.cityofls.net)".