

## LEE'S SUMMIT BOARD OF APPEALS

### Minutes of Thursday, November 29, 2018

---

Chairperson Brown called to order the Thursday, November 29, 2018 meeting of the Lee's Summit, Missouri Board of Appeals at 6:00 p.m., at the Strother Conference Room, 220 SE Green Street, Lee's Summit, Missouri.

#### OPENING ROLL CALL:

Mr. John G. Brown, Chair	Present	Mr. Steve Patterson	Present
Mr. Robert Crance (joined the meeting at 6:04 p.m.)	Present	Mr. Rodney Loesch	Present
Ms. Karen Sallee	Present	Ms. Pam Schleiden	Absent
		Mr. Dana Miller	Present

Also present were Tracy Deister, Codes Administration Manager; Ryan Elam, Director of Development Services; Mike Copeland, Senior building Inspector; Dan Harper, Assistant Director of Field Services; Jim Eden, Assistant Fire Chief, Fire Department; and Jeanne Nixon, Development Center Secretary

#### Approval of the October 18, 2018 Board of Appeals Minutes

On the motion of Mr. Patterson, seconded by Mr. Loesch, the Board of Appeals voted unanimously by voice vote to approve the minutes of the meeting of October 18, 2018.

#### Presentation of the 2018 International Building, Plumbing, Mechanical and Fuel Gas and Fire Code

Mr. Deister noted that the documentation included the International Building, Fuel/Gas, Plumbing, Mechanical and Electrical Codes, which the Board had covered in previous meetings. These were not major changes. A few items were highlighted on the front page indicating some that the Board might want to discuss. The first item was the ICC 500 section; and the second was a requirement for guard rails on retaining walls. Staff was waiting for feedback from the Law Department on this. The third concerned the changes to locks and latches, which Chief Eden would cover.

Concerning exposed drains, Mr. Miller noted a reference to devices "*receiving stormwater from any exposed exterior drains*", and asked if this was something like a window well. Mr. Deister answered that this was the language used in the IRC. It mostly pertained to a walkup situation.

Mr. Deister then stated that Assistant Fire Chief Eden would talk about the International Fire Code. Chapter 9 of the Building Code would essentially mirror the Fire Code. Chairperson Brown said he appreciated the 20 percent of project cost for storm shelters, as this was a large cost requirement for the School District. It looked like a good compromise.

Referring to Table 403.1 ("Minimum number of required public fixtures") in the IBC, Mr. Crance asked if the amendment would apply to all classifications. Mr. Deister indicated the reason staff had put that there were a number of small spaces that did not have tile or a need for a service

sink. The amendment would apply to all occupancy types. Mr. Crance commented that having a drinking fountain would preclude the need for employees to bring their own containers.

Mr. Crance then asked what was the intent of section 410.4, which allowed fixtures such as breakroom sinks to be used in lieu of drinking fountains. Mr. Deister replied that this had previously been in the code for more than one code cycle; and staff considered that this provision was a reasonable way of providing some flexibility. Mr. Crance recalled the code's specific language as allowing a bottle water dispenser to replace about 50 percent. Allowing a kitchen or bar sink to replace that 50 percent would achieve the goal. Mr. Deister added that for small tenants, not having to install water fountains would save costs while still making water readily available. Mr. Crance's concern was that this would not be available to the public the way a drinking fountain would.

Assistant Chief Eden stated that he was bringing the 2018 International Fire Code, including amendments. The Board had seen much of this document previously. He reviewed that last year the three-person division had done 4,658 inspections. Of these, 228 were new occupancy inspections and 543 were for businesses. An additional 2,306 annual inspections were done from fire trucks. The International Fire Code set a minimum standard that recognized good practices on a national level. Most IRC standards that were adopted, including alarm and flammable liquid requirements, were from the National Fire Protection Association. The goal was to provide a minimum level of protection from fire and explosion hazards. The Code applied to both new and existing structures, raising a perennial question about how to apply new standards in old buildings. This was covered in chapter 11.

The Fire Code also covered protection for a building at times when it was not occupied or open for business. The firefighters' point of view was protection for 24-hour occupancy. People working in a business after hours should have the same level of safety as when they were working during business hours and that included getting out in an emergency.

The IFC covered new technology, building materials and processes, updating the code every three years; although at times changes came from "catastrophic reform." An example was a change a few years ago to sprinkling requirements for bars and restaurants. The occupancy load had been 300 people for 5,000 square feet, but that had changed after the station fire in Rhode Island. The number of people per 5,000 square feet was now reduced to 100. Chief Eden observed that changes often came about as a reaction to a disaster.

Changes and additions to the code were made on a three-year cycle basis; however, the City had elected to use a six-year cycle. This was because of the economic crash in 2008. This was an expensive process for both the City and the private sector; with the latter including designers and engineers. When Chief Eden had started with the City in 1991, it was under the Uniform Fire Code and Uniform Building Code. The change to the International Fire Code and other ICC codes had happened in 2000. Currently the City was under the 2012 version of the IFC. The Insurance Service organization (ISO) required that revisions be within at least two cycles, or six years. Since the last code adoption in 2012, Lee's Summit had gone from an ISO public protection class of 3 to 2X, with the goal of a classification of 1; so there had been progress in the last six years. The "X" indicated a split rating, due to the city having some portions that were not within 1,000 feet of a fire hydrant. Chief Eden added that the City was working on this, and there were ways around it in terms of rural fire protection. The ISO did acknowledge that Lee's Summit was bringing the full resources of the Fire Department to these parts of town. The IFC complemented the IBC and other ICC codes, so they all worked together, including cross-references in ICC code books.

Staff had reviewed the proposed changes with focus groups, including school involvement and engineers and architects were available to review recommended changes. The Fire Department also coordinated with Development Services. Chief Eden pointed out that Chapter 9, "Fire Protection," was followed by material about life safety and egress from buildings in Chapter 10. They had also reached out to other municipalities in the region, with the involvement of the Heart of America Metro Fire Chief's Council. Some of the adjustments or tweaks in this version were based on changes made by other cities. One advantage of keeping consistent within the region was that designers and other professionals could work in municipalities throughout the region without having to learn new codes.

Concerning "the Fire Department's legacy amendments", the Board had been active in Lee's Summit for a while and what staff was bringing forward tonight was essentially what it had brought in the past. The operational permits that were retained were permits for hazardous materials, which had a slight change, in that permitted amounts for toxic or hazardous materials, these were now grouped together as one permit. It would be required whenever the threshold for quantities set forth in the "Community Right to Know" Act was exceeded. The permit application would then be heard by the Public Safety advisory board and from there to the City Council. The City could add stipulations as to what the permits would allow and not allow. However, the net change was a reduction in required paperwork. None of the requirements were deleted or reduced. Other permits included those for fireworks, which was mandated by ordinances previously passed by the City Council as to the numbers of fireworks tents and who could use them. Permits for open burning included recreational and agricultural uses. A campfire had to be about two feet in height and three feet in diameter. The previous code had stipulated when a portable patio fireplace could be used. This would not require a permit; however, a patio fireplace had to be covered by a screen, be at least 15 feet away a home and not be left unattended. The code applied to wood-burning devices, although with gas burning fireplaces there were requirements for amount of radiant heat and distance from a house. The general rule with was a distance of at least ten feet from a combustible construction, though the size of the fire was also a factor. Chief Eden added that staff was working on an approach to education as to safety for recreational fires.

Concerning hydrants, in Lee's Summit these had been 300 feet away from the most exterior portion of a building, going around the building. This was an amendment that gave a little flexibility, allowing for a little more in circumstances where 300 feet was not practical. The international standard was 400 feet. For sprinklered buildings (Chapter 9), over the past few cycles the sprinkler requirements had been dropped for three-story buildings down to two. Most codes defined a "fire crew" as four people, Lee's Summit's standard in being three. Getting fire hoses where they needed to be could be more difficult and time-consuming with a smaller crew. The change bought some time for the escape of the building's occupants as well as access for the firefighting crew to put the fire out if the sprinkler had not already done that. Chief Eden added that some buildings standing in Lee's Summit today would not be there, at least in their current state, if they were not sprinklered; and these buildings were less than three stories.

Chief Eden then explained that "standpipes" were the hose connections on upper floors of a building. That had also been dropped from three stories to two, with anything above two stories being required to have a standpipe. The wording had previously been that if the floor level was over 30 feet above Fire Department access; however buildings had gone up with the third story being 29 feet and 6 inches, creating a loophole for the requirement that was removed by specifying "above two stories." Exceptions were made for some apartment complexes with open breezeways of units that opened directly to the outside. Additionally, due to freezing issue

staff did not want to add an expense of a dry manual standpipe and breezeways allowed considerable smoke to escape. The latter made access a little easier for fire crews.

Repair shops car service stations had previously been required to have sprinklers if the building was over 3,000 square feet, with storage of commercial vehicles such as buses and trucks having a requirement of 5,000 square feet or more. The international version specified 10,000 square feet. In order to meet the code's intent and be in line with other portions, the requirement was now 5,000 square feet or more for both.

Other adjustments included clarifying the language on distance from a fire hydrant to the Fire Department connections (FDC) for hoses on the front of buildings. This was 100 feet, which was consistent with other cities as well as current language for distance to a standpipe system alone. Formerly, a fire hydrant was not required within 600 feet of a sprinklered building, so that was taken out of the sprinklered building requirements since it contradicted putting a fire hydrant within 100 feet of a fire department connection. In some parts of Lee's Summit, including Downtown, it would not be feasible to tear up a street every time a building was sprinklered, so this was qualified by a requirement for approval of the Fire Department. It would be counterproductive to make protecting a building so restrictive that people were reluctant to do it.

Concerning adoption of the appendices, Chief Eden acknowledged that the Board of Appeals section was deleted. This was because the Fire Department was following the IBC through the City of Lee's Summit. Appendix "B" addressed water flow requirements. It had one change that was amended. When a sprinkler system went in, the water flow requirement in a commercial building could be reduced by 50 percent. For residences, it could be 25 percent. Minimums were set at 1,000 gallons per minute for residential and 1,500 gallons per minute for commercial. Several buildings in town had burned over the years because of a sprinkler system had been disabled; and limiting the amount of available water could make a situation worse. The previous version had allowed for adjustments as needed, but he had put in a percentage standard instead. Chief Eden observed that fire protection systems typically did not protect buildings from exterior fires.

Finally, Chief Eden reviewed what was new in the fire code. Some 'new' hazards included "*outdoor pallet storage, higher education laboratories, mobile food trucks and plant processing and extraction activities.*" Regulation of food trucks and their inspections in particular was being taken up by a number of municipalities in the metro area. Consistency was required to keep a food truck from being permitted in one part of the area but not another. "Plant processing", particularly of medicinal marijuana and the oil extraction, had been discussed by the Planning Commission recently. Permitting for extraction facilities in general had been left in the code and in Denver, these were inspected twice a year since it was new technology. Denver required a technical report on extraction equipment detailed what the process involved. Other changes were mass notification requirements for colleges, a new Energy Systems chapter addressing fuel cells and alternative fuels, and integrated testing requirements for high rise buildings. It was especially important in high-rise buildings to have systems integrated and working together in an emergency. Some of the language on gas detection systems had been clarified; and sprinkler protection in Group "B" occupancies had a new threshold of 12,000 square feet or over 300 people. The 1.5-inch requirement for standpipe systems in sprinklered buildings was also removed. Some language for manual fire alarm systems had been clarified. These systems and automatic smoke detection systems were now not required "*in Group R-4 occupancies*", which generally referred to group homes and home-based rehab. Single-station smoke alarms provided the same level of protection.

In previous editions, an emergency exit route had to be lighted all the way to the street, but now specified only “*a safe dispersal area*”. That would typically be at least 50 feet away from the building. Other language in the appendices addressed outdoor assembly events and trade shows. Changes were made to fire watch requirements for construction and demolition activities, and some re-wording in Chapter 7. One of the biggest changes to the code was the maximum occupant load call centers and data facilities from 100 square feet per person to a minimum of 50. The standard business occupancy was changed from 100 to 150 square feet per person.

Staff was requesting a recommendation to move the update forward. Chairperson Brown asked for a motion.

Mr. Loesch made a motion to approve sending the 2018 International Building, Plumbing, Gas and Fire Code forward for final approval, and Ms. Sallee seconded. The Board of Appeals then voted unanimously by voice vote to approve the motion.

## **ROUNDTABLE**

Mr. Deister asked if the motion had included all the amendments, and Chairperson Brown noted that the Mechanical and Fuel code had been omitted. The Board of Appeals voted unanimously by voice vote to amend the motion to include the Mechanical and Fuel code.

## **ADJOURNMENT**

Chairperson Brown made a motion to adjourn the meeting and Mr. Miller seconded. The Board of Appeals voted unanimously by voice vote to adjourn the meeting.

There being no further business, Chairperson Brown adjourned the meeting at 7:00 p.m.