

Mr. James Brown gave his address as 4028 NE Grant Street. He wanted to know what hours the pool would be open. Mr. Reed answered that East Lake was open until 9:00 p.m. on week nights and 10:00 p.m. on Fridays and Saturdays. The only use would be recreational swimming, with the West Lake pool used for competitive swim events.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:14 p.m. and asked for discussion among the Commission members, or for a motion. He added that staff had provided wording for the motion in its report.

Ms. Roberts made a motion to recommend approval of Application PL2017-102, Special Use Permit for swimming pool lights: 4140 NE Dick Howser Dr; Lakewood Property Owners Association, applicant; subject to staff's letter of June 23, 2017, specifically Recommendation Item 1. Mr. Lopez seconded.

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

On the motion of Ms. Roberts, seconded by Mr. Lopez the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2017-102, Special Use Permit for swimming pool lights: 4140 NE Dick Howser Dr; Lakewood Property Owners Association, applicant; subject to staff's letter of June 23, 2017, specifically Recommendation Item 1.

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

3. **Application #PL2017-121 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #62 - Article 8 Accessory Uses and Structures, revision to the regulations for photo studios as in-home occupations, City of Lee's Summit, applicant.**

Chairperson Norbury opened the hearing at 5:15 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in.

Mr. McKay related that a few years ago the City had an application from the owner of a photographic studio that had multiple employees. The applicant had wanted to use it as a home occupation. Staff then did an analysis to determine the size of the property that might work out for a home occupation with multiple employees and people coming to the site. They had reached a conclusion that one acre would be a minimum size required. That ordinance amendment was subsequently approved. Now the City had a request from Ms. Jena Rowland, who had formerly had employees but was now looking to downsize her business and operate out of her home in a single-family residential neighborhood. The ordinance amendment was necessary in order for staff to provide that opportunity. In this situation, the owner did not have an acre of property; however, there were also fewer employees.

Tonight's application addressed the wording to be added to the "Home Occupation" section of the UDO [addition underlined], stating that "except as otherwise provided, no persons other than self or family members residing on the premises plus one additional person not residing on the

premises shall be employed or involved in any business activity related to the home occupation on the premises.” The “Prohibited Uses” section of the UDO had previously specified one acre or more of property as an exception. Staff had changed the wording to read “*a photographic studio with multiple employees in excess of the standard home occupation allowance*”, which basically allowed for a standard home occupation to allow for a photographic studio that could use the 25 percent of the home allowed for other home occupations.

Mr. McKay entered Exhibit (A), list of exhibits 1-8 into the record.

Following Mr. McKay’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 opened the hearing for questions for the applicant or staff.

Ms. Roberts asked why the amendment applied so specifically to photographic studios, noting that the traffic would not be much different for someone offering something like piano lessons. Mr. McKay answered that with piano lessons, the homeowner would see one client at a time whereas a photographic studio would often have clients in groups, especially family groups, graduation pictures and weddings. Photographers with this level of business often did have multiple employees at the studio, which was the reason for the required minimum one acre, which would satisfy parking requirements. Ms. Roberts remarked that a single-family home would be unlikely to have enough space for a wedding photographic session.

Chairperson Norbury asked if staff had ensured that this amendment was general enough to have some longevity, noting that tonight’s amendment was for a specific business. He agreed with the reasoning; however multiple individualized tweaks to the UDO for specific businesses over time might have the effect of compromising the ordinance in terms of the broader picture. Mr. McKay acknowledged that at times, staff would prefer to bring in a number of amendments at one time. In this case, the business owner was looking to downsize and had a time frame to get that done.

Chairperson Norbury asked if there were further questions for the applicant or staff. Hearing none, he closed the public hearing at 5:20 p.m. and asked for discussion among the Commission members, or for a motion.

Ms. Roberts made a motion to recommend approval of Application PL2017-121, Unified Development Ordinance (UDO) Amendment #62: Article 8 Accessory Uses and Structures, revision to the regulations for photo studios as in-home occupations; City of Lee’s Summit, applicant. 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 Ms. Roberts, seconded by Mr. Funk, the Planning Commission members voted unanimously by voice vote to recommend **APPROVAL** of Application PL2017-121, Unified Development Ordinance (UDO) Amendment #62: Article 8 Accessory Uses and Structures, revision to the regulations for photo studios as in-home occupations; City of Lee’s Summit, applicant.