

	<b>City of Lee's Summit Development Services Memorandum</b>	
	<b>To:</b>	City Council and Planning Commission
	<b>From:</b>	Josh Johnson, Assistant Dir., Development Services Ryan Elam, Director of Development Services David Bushek, Chief Counsel of Economic Development & Planning
	<b>Date</b>	May 14, 2019
	<b>Re:</b>	Follow-up to the Joint City Council – Planning Commission meeting held on November 20, 2018

The purpose of this report is to outline staff's proposed implementation for issues discussed at the Joint City Council (CC) and Planning Commission (PC) meeting held on November 20, 2018. After the meeting staff summarized the discussion items in a memo dated December 11, 2018. Then, on January 31, 2019, a meeting was held with staff, the Mayor and the Planning Commission Chairman to determine next steps on each item. It was decided that staff would present any ordinance changes at the next joint meeting to be held on May 14, 2019. The following report notes items requiring changes to the UDO and those only requiring a policy change along with staff's rationale. Text in red notes an addition or deletion to the UDO.

### Planning Commission

The first goal was to empower the Planning Commission by strengthening their contribution to the development process. The following items seek to further this goal.

1. Mandate a concrete motion from the PC. Currently, the ordinance says that when there is failure to achieve a majority vote on a motion at the PC, an application is forwarded with a failure to recommend. Instead staff is proposing a requirement that the PC work towards a motion that passes so the CC can react to the deliberation that occurred to reach the relevant outcome. The relevant UDO language is included below.

#### Section 2.190

D. Action by Commission. A vote either for or against an application by a majority of all of the Commissioners present shall constitute a recommendation of the Commission. If a motion for or against an application fails to receive a majority vote (~~except in the case of a tie~~), the Commission ~~may shall~~ entertain a new motion. A tie vote shall constitute a ~~recommendation of denial. failure to recommend.~~ The Commission recommendation to approve, approve with conditions ~~or deny;~~ ~~disapprove or failure to recommend~~ shall be submitted to the Governing Body, accompanied by a written summary of the hearing. A recommendation ~~or failure to recommend~~ and summary thereof shall constitute the final report of the Commission pursuant to RSMo 89.070.

2. Increase the importance of the Comprehensive Plan by removing language from the UDO minimizing its role in the development process. Since the PC approves the Comprehensive Plan, making it more integral to the review of public hearing items would bolster the PC's role in the process. Staff could also, as a matter of policy recommend denial of applications not meeting the Comprehensive Plan or require the applicant to amend the plan to obtain a favorable recommendation. Proposed language below contributes to clarifying the Comprehensive Plan's importance.

Sec. 1.070. - Relationship to comprehensive plan and other policies.

It is the intention of the City that this chapter implement the planning policies adopted for the City as reflected in the Comprehensive Plan, as amended, and other planning documents. ~~While,~~ The City reaffirms its commitment that this chapter and any amendment thereto be in conformity with adopted planning policies. ~~-the City hereby expresses its intent that neither this chapter nor any amendment thereto may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan or other planning policy.~~

3. Institute quarterly training for the PC to provide updates on case law, procedural coaching and latest trends in development.

Staff has already conducted a training session where the background of planned zoning and other regulatory items related to the PC were discussed. Moving forward quarterly training will occur with a dialog about what subjects should be covered. Staff will also work with our legal staff to come up with onboarding materials for new commissioners.

4. Provide leeway in the schedule deadlines to all the PC more time to review additional information if needed.

Staff has clarified that the PC can continue an application to instruct the applicant or staff to return with specific info needed to make a decision.

## Public Engagement

The second primary goal of the joint meeting was to increase public participation. The following measures were considered.

1. The City could increase the radius for mailed notices to reach more members of the public. Right now our noticing distance is 185 feet. Staff is suggesting to increase the distance to 300 feet through a change in the UDO.

Sec. 2.170. - Notice to surrounding property owners.

- B. Mailed notice requirements. Mailed notice shall be sent, by regular mail, to the last known record owner of all property within ~~185-300~~ feet from the boundaries of the property for which the application is being considered. The notice shall state the time and place of the hearing, and include a general description of the proposal, a location map of the property, the general street location of the property subject to the proposed change, and a statement explaining that the public will have an opportunity to be heard at the public hearing. Failure to receive mailed notice shall not invalidate any action taken on the application.

2. Require a neighborhood meeting for all public hearing items. Too often we hear from concerned neighbors that they are only aware of projects when a notice is received in the mail or a sign is observed at the project site. A neighborhood meeting would alert the public earlier in the process. The following addition to the UDO outlines how this might work.

#### Section 2.\*\*\* – Neighborhood Meeting

- A. 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.
- B. 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.
- C. 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.
- D. 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 note shall be turned in with the application re-submittal.

3. Use the City's website to highlight current and future public hearing items.

The website has been modified with a sortable list of all items submitted for public hearing with direct links to each projects documents such as site plans and elevations. A form to submit public comment is available at the same location. The list can be found at the following link.

<https://cityofls.net/development-services/design/development-process/development-project-list>

4. Improve the clarity of public hearing signs to raise awareness of public hearings while directing the public to relevant information.

Current signs are 18 inches by 24 inches. The signage can be increased by policy as the UDO does not dictate size. Staff is looking at a 4'X4' sign. Contents of the sign can be limited to increase the message impact and direct citizens to our website find additional information such as site plans and ways to comment on the project.

#### **Modifications**

1. Councilmembers, Planning Commissioners and the public have expressed concern the City approves a significant number of modifications to UDO requirements, which appears to be

contrary to the general spirit and intent of establishing zoning regulations that apply uniformly to all zoning districts in the City.

Section 2.320.C of the UDO provides modifications to the underlying district regulations may be provided through approval of the PDP when the Council concludes the development:

- will provide sustainable value to the City,
- incorporates sound planning principles and design elements compatible with surrounding property and consistent throughout the proposed project,
- effectively uses land upon which the development is proposed, and
- the modification furthers the goals, spirit and intent of the UDO.

The purpose of modifications is stated in Section 1.050.D.1 of the UDO:

- a. Permit the use of more flexible land use regulations,
- b. Provide latitude in the location of buildings, structures, open spaces, play areas, parking, roads, drives and variations in setback and yard requirements,
- c. Facilitate use of the most advantageous techniques of land development,
- d. Encourage the combination and coordination of architectural styles, building forms and relationships, and
- e. Limit specific uses within the underlying zoning district to a particular development plan when it is deemed more appropriate and/or compatible to surrounding uses, proposed or future uses or when deemed to be in the best interest of the community to limit the uses based on existing and/or proposed traffic conditions and/or concerns.

Staff has modified our template for the staff letter to analyze the above points for each modification. In addition, the 18 criteria for rezones and PDPs will be covered through a narrative analysis. This new template is attached to the packet for Council comment as well. The template has text in red indicating where each criteria is addressed.

### **Public Hearings**

The length of hearings at City Council was discussed. Since the date of the first joint meeting, the Council stated to the applicant and public in attendance that the record from Planning Commission has been reviewed. Staff has tried to truncate their presentation by summarizing the Planning Commission hearing and only highlighting areas of public concern or where staff and the applicant are in disagreement. This has helped to remove some redundant testimony and public hearings in 2019 seem to be shorter. Moving forward, it may be good to enshrine these concepts in a public hearing handout emphasizing that the first opportunity for public testimony is at the Planning Commission.