



LEE'S SUMMIT
MISSOURI
Development Services Department

Application Information

Appl. #PL2019-187– Unified Development Ordinance (UDO) Amendment #7 – Changes to Article 1 – General Provisions and Article 2 – Applications and Procedures to improve public engagement and the role of the Planning Commission; City of Lee's Summit, applicant.

Overview of Amendment

The purpose of this amendment is to implement measures to improve public involvement in the zoning approval process and increase the Planning Commission's role.

Background

The issues surrounding improved public participation and a greater role for the Planning Commission in the zoning approval process were 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. Staff presented these UDO changes at the May 14th work session where discussion occurred over the intent and rationale of each change.

Effective Date

Pending approval

Affected UDO Section(s)

Article 1 – General Provisions, Section 1.070 Relationship to comprehensive plan and other policies

Explanation	New Standard(s) <i>(changes shown below in underline and strikeout)</i>
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.	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.

Article 2- Applications and Procedures, Section 2.170 Notice to Surrounding Property Owners, Mailed Notice Requirements

Explanation	New Standard(s) <i>(changes shown below in underline and strikeout)</i>
-------------	--

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.	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.
---	---

Article 2 – Applications and Procedures, Section 2.***

Explanation	New Standard(s) (changes shown below in underline and strikeout)
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 will work.	A. <u>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.</u> B. <u>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.</u> C. <u>Notification shall be sent or delivered to property owners within 300 feet of the 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.</u> D. <u>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.</u>
Article 2 – Applications and Procedures, Section 2.190 Action by Commission	
Explanation	New Standard(s) (changes shown below in underline and strikeout)

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.	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, the Commission may shall entertain a new motion. A tie vote shall constitute a "denial failure to recommend." The Commission recommendation to approve, approve with conditions, 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.
--	--

Comprehensive Plan	
Focus Area(s)	Goals, Objectives and Policies
Overall Area Land Use	Objective 1.1 Objective 1.3 Objective 1.4
Economic Development	Objective 2.1
Residential Development	Objective 3.1 Objective 3.2 Objective 3.3
Commercial Development	Objective 4.1 Objective 4.3
Industrial Development	Objective 5.1 Objective 5.2
Public Facilities	Objective 6.1 Objective 6.2
Environment	Objective 8.1

Recommendation
Staff recommends APPROVAL of the UDO amendment to Articles 1 and 2 as presented.