



LEE'S SUMMIT
 MISSOURI
 Development Services Department

Development Services Staff Report

File Number	PL2023-224
File Name	Unified Development Ordinance Amendments to Articles 2, 5, 7, and 8.
Applicant	City of Lee's Summit
Property Address	Citywide
Planning Commission Date	October 12, 2023
Heard by	Planning Commission and City Council
Analyst	Aimee E. Nassif AICP, Deputy Director of Development Services

Public Notification

Community and Economic Development Committee Meeting: August 9, 2024
 Newspaper notification published on: September 8, 2023

1. Project Summary

Staff has identified several sections of the Unified Development Ordinance (UDO) where updating existing language would remove existing inconsistencies, improve readability, and improve efficiencies within the development review process including submittal requirements. These updates were both identified by staff and also recommended as a result of concerns identified from the development community. These updates include the following:

	UDO Article, Division	Section	Description
A	Article 2, Division II	2.170.B	notice requirements
B	Article 2, Division IV	2.310.C, C5, C7	submittal requirements
C	Article 2 Division IV	2.320.C	modification requests
D	Article 5, Division II	5.110	findings of fact and map updates
E	Article 7, Division I	7.060	modifications
F	Article 8, Division III	8.740, 8.740.2, 8.750.A.4	tree conservation plans & planting requirements
G	Article 8, Division III	8.900	fencing within landscape buffers

2. Analysis

As stated previously in this report, through research and discussion with applicants, staff has identified several Articles of the UDO for updates. Below is a description of each recommendation. A redline copy of all draft language is included as an attachment.

A. Article 2, Division II, Section 2.170.B

Existing Language

Certified mailings are standard practice for notification of public hearings before the Planning Commission. Current language in the UDO only requires “regular” mail which can cause concerns when it is necessary to confirm that public notification in accordance with the UDO was met.

Recommendation

The proposed language updates this requirement to state that certified mailing is required for public hearings to align with other communities and recommended practices. Staff also spoke with several applicants who work with Lee’s Summit who advised that while there is an increased cost, it would not be a deterrent or have a negative impact on conducting business in Lee’s Summit as this is a requirement in other communities they work with.

B. Article 2, Division IV, Section 2.310.C, C5, C7

Existing Language

Section 2.310.C - Existing language pertaining to submittal of preliminary development plan applications does not include the submittal of a brief narrative explaining the project.

Section 2.310.C5 - The information we regularly receive from applicants for their architectural elevation plans is not currently described in the UDO.

Section 2.310.C7 – This section has a housekeeping change in which a reference is mis-numbered.

Recommendation

Section 2.310.C - The proposed language includes the requirement of a project narrative to accompany the application. This will provide clarity to staff and assist in a more efficient process for applicants.

Section 2.310.C5 – The proposed updates accurately reflect existing practices for architectural submittals and reviews with preliminary development plan submittals. Much of the information is the same as currently required, with clarification on items which we ask for as part of our reviews. This will provide more transparency in requirements for applicants and options in provided material information.

Section 2.310.C7 – Correction to the mis-numbered article has been made.

C. Article 2, Division IV, Section 2.320.C

Existing Language

This section provides the requirements for submitting a modification request; however, opportunities exist to improve readability to provide for a more efficient review process.

Recommendation

The proposed language updates provide subsections and clarification in the language for the existing requirements. No standards or requirements have been changed.

D. Article 5, Division II, Section 5.110

Existing Language

This section pertains to the findings of fact for analyzing flood hazards within the Floodplain Overlay District. The City of Lee's Summit must adopt the updated Jackson County Flood Insurance Study (FIS) books as they are updated in order to remain active in the National Flood Insurance Program.

Recommendation

The proposed language meets our mandatory obligation to adopt the updated Jackson County FIS books. Active participation in the National Flood Insurance Program is required to maintain property owners' eligibility to purchase flood insurance within the City of Lee's Summit.

E. Article 7, Division II, Section 7.060

Existing Language

This section inadvertently references Article 4 to find procedure requirements, which should be Article 2.

Recommendation

The proposed language provides a housekeeping update to correct this reference.

F. Article 8, Division III, Section 8.740

Existing Language

Section 8.740 – this section provides submittal requirements for tree conservation plans; however, in one area the incorrect plan type is referenced.

Section 8.740.2 – the same housekeeping item was identified in this section as well.

Section 8.750.A.4 – this section requires deciduous trees be a minimum of 3-inch caliper which is difficult to find, results in modifications, and is greater than other municipalities require.

Recommendation

Section 8.740 - The proposed language provides a housekeeping update to correct this.

Section 8.740.2 – The proposed language provides a housekeeping update to correct this.

Section 8.750.A.4 – Updates will provide for 2.5-inch caliper material to address this existing issue and also provides a minimum caliper when using ornamental trees.

G. Article 8, Division III, Section 8.900

Existing Language

This section currently requires landscaping to be placed on both sides of a fence. This often causes issues with maintenance and it obstructs the view of vegetation.

Recommendation

The proposed language provides flexibility in the fence location for applicants so that it may be on either side of plantings instead of through the center. Recommended language also includes an option for use of a landscape berm as another method of using green space or vegetation to provide a buffer and enhanced design in lieu of a separate modification request being required. This will also enhance process efficiencies for applicants.

3. Ignite! Comprehensive Plan

Several goals of the Ignite! Comprehensive Plan are achieved through this series of UDO updates. The first goal is **Goal 3.3 for a Resilient Economy**. This goal involves the ability to be prepared for disruptors in the economy and focus on resilient economic strategies. These updates will also address the Land Use & Community Design plan element through the objective of: **Plan for purposeful growth, revitalization and redevelopment**. One of our most important implementation tools for achieving high quality development and redevelopment is the UDO. Through these series of updates, we will be able to address several areas of confusion within the UDO, clarify requirements for architectural information, and adapt to challenges pertaining to inventory of planting materials facing stakeholders. In addition, **Goal 3.6 Sustainable Environment** is met through adoption of the updated Flood Insurance Study (FIS) books for Jackson County published by FEMA.

4. Summary

As stated previously in this report, these recommendations align with several goals of the Ignite! Comprehensive Plan and will also address concerns from both applicants and staff, improve process efficiencies, readability, and address several necessary housekeeping updates.

Attached is a redlined copy of each of the Article updates for your review. Staff also shared these recommendations with the Community and Economic Development Committee (CEDC) on August 9, 2023. No members of the public spoke and after discussion, a motion was made to advance these recommendations to the Planning Commission for public hearing.