

**The City of Lee's Summit**  
**Action Letter**  
**Community and Economic Development Committee**

Wednesday, September 11, 2019

4:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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1. Call to Order

2. Roll Call

**Present:** 4 - Chairperson Diane Forte  
Vice Chair Fred DeMoro  
Councilmember Craig Faith  
Donnie Funk

**Absent:** 1 - Councilmember Beto Lopez

3. Approval of Agenda

**A motion was made by Committee Member Faith, seconded by Vice Chair DeMoro, to approve the agenda. The motion carried unanimously.**

4. Approval of Action Letter

- A. [2019-3022](#) Approval of the August 14, 2019 Community and Economic Development Committee Action Letter.

**A motion was made by Vice Chair DeMoro seconded by Committee Member Faith, to approve the August 14, 2019 Action Letter. The motion carried unanimously.**

5. Public Comments

Lisa Norris, 1301 NE Oakwood Dr., Lee's Summit, stated she and her husband, Chris, own C & L Ice in Pleasant Hill, Missouri, and want to expand their filtered water and ice machines business to Lee's Summit. However, there is an ordinance restriction on outdoor vending in Lee's Summit. She explained their ice machines are unique in that they are standalone 350 sq .ft. buildings with an ice maker on top and everything else is housed inside the building. Other types of vending machines are plugged into another building. She provided photos to staff. They would like to get a special use permit or other ordinance change to allow for their ice machines in the city. They were directed to come to the Community and Economic Development Committee (CEDC) to explain their concept and to see if the committee thought there was merit to their request.

There was consensus from the committee to direct staff to provide additional information and explore the feasibility of a UDO amendment or other options for this request.

6. Business

- A. [2019-3019](#) International City/County Manager Association (ICMA), Department of Defense, and City of Lee's Summit Leadership Program - Dr. Robert Daniel Wallace, Chief

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#### - Plans, Analysis and Integration Office, United States Army Garrison, Fort Wainwright, Alaska

Mr. "Danny" Wallace explained the purpose of the cooperative leadership program with ICMA and the Dept. of Defense is to share information. He is the Lead Strategic Planner for the US Army Garrison and works for an Army Colonel who is the "unelected Mayor" for the garrison. Fort Wainwright is located in central Alaska and has a wide range of weather conditions and unique challenges. He added their "council" is comprised of tax payers and the representatives of Congress.

Fort Wainwright supports whatever the Department of Defense deems as necessary to ensure their soldiers are ready for any type of emergency. The US Army Garrison provides, life, health and safety services for about 25,000 citizens on the post (soldiers and their families), but they are also linked to a local community off post. They share many of the same responsibilities and operations as our city. While in Lee's Summit Mr. Wallace met with both the city's Police and Fire Depts. and was impressed with the systematic approach they used in their accreditation processes. He noticed many similarities between Lee's Summit and Fort Wainwright. Finally, he appreciated the opportunity to participate in the program and visit Lee's Summit.

In answer to Vice Chair DeMoro's question, Fort Wainwright is funded by the federal income tax through appropriations from Congress to the Dept. of Defense and to the U.S. Army. However, some services must pay for themselves such as the golf course and ski hill. Their police and fire services are fully funded by the federal government. They go through a similar budget process as Lee's Summit.

Committee Member Faith asked about water main breaks in the extreme Alaskan temperatures. Mr. Wallace replied they too have water main breaks, but they also use extra insulation in the homes and business to minimize the number of breaks.

Mr. Wallace added the Dept. of Defense emphasizes cooperation with local communities and they use several mutual aid agreements between the base and the community to provide many services.

#### B. [2019-3023](#)

#### Review of Residential Preliminary Development Plan Process

Mr. Johnson walked the committee through the process for Preliminary Development Plans (PDP) after they are approved by the City Council. He noted sometimes a PDP is approved with certain design conditions, such as elevations, etc.

After Council approval, staff (engineering, planning and fire) reviews the plans architecture (for both commercial and residential projects) during the Final Development Plan (FDP) phase. At this step, the planners verify the plan matches what the City Council has approved.

However, the UDO allows for both minor and substantial changes on PDP's. If there is a substantial change, the plan has to go back through the public hearing process or the applicant needs to change their design to match more closely what the Council approved.

After the FDP approval, the next step is building permits where staff checks for more detailed items such as if the landscaping is installed properly, or if the proper screening items are in place, etc.

Residential applications are different in that if there is a modification in the plan, it is not checked until the building permit comes through the department. Staff implemented a process about nine months ago for applications that don't have an R1 Zoning to be routed through the Planning Department so they may check for conformance on approved elevations.

PDP's are good for 24 months and can be granted a one-year extension from the City Council. The Final Development Plan (FDP) locks in the PDP. This applies to both commercial and residential plans.

Councilmember Faith asked who decides the threshold of change in the plans. Mr. Ryan Elam, Director of Development Services, responded there is language in the UDO to help clarify a minor change or a major change based on a 25% threshold. For example, if a building size is increased 26%, it is considered a major change and would have to go back through the PDP process.

Mr. Johnson added for residential plans, increases in density of more than 10%, changes in architectural style that make the project less compatible with neighboring uses, and decreases of setback of more than 10% are all considered major changes. Minor changes include increases of floor area or increases of building height less than 25%, and reconfiguration of buildings as long as no setbacks are violated and no traffic patterns are altered that

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would have a negative impact on the neighbors. Staff makes sure the overall impact of the project isn't increased where it begins to look like a different project or get different traffic impacts that weren't discussed in the PDP process.

Committee Member Faith questioned the subjectiveness in the process and gave the example of the Yarco Apartment Building project where the final project did not look like what the City Council had approved during the PDP process. He felt it was a major change.

Mr. Johnson clarified the FDP on the Yarco project has not been approved and is still in the process due to City Council and neighboring property owners concerns. Staff asked the developer to work with the neighborhood on the design issues and the project has been stalled for the present time.

Committee Member Faith questioned if the FDP would have been approved by staff had the Council not been notified by constituents that the plan had changed. Mr. Johnson replied the change would not have been considered a major change on its own. However, Mr. Elam added the architectural changes and building compatibility had not yet been addressed at the PDP level.

Committee Chair Forte is concerned Council would not have been aware of the changes had the constituents not voiced their dislike of the project. Going forward, she would like a process in place so these type of changes don't fall through the cracks.

Mr. Elam stated the elevations for this project were never approved. The applicant submitted them and had changed them too much for staff to approve. Therefore the process was working. There is some subjectivity on architectural style of plans. Staff relies on registered architects to help determine if the project does or does not comply.

Committee Chair Forte admitted the Council may need additional training or guidance on PDP's so they will have better questions to ask during Council meetings and not take up as much time from the developer and their legal staff.

Mark Dunning, Assistant City Manager, added the Council should also remember PDP's are preliminary and until the FDP is submitted nothing is final. This process was set up to be accommodating to the community and developers so questions may be asked and changes made before the FDP. This process also saves in project costs and provides a level of assurance the project will work if going forward at this level. He added for commercial projects, a developer may already have some users on board for different sites on the project. However, the user may change if it is a less intensive impact on the project. They try to get as much information and uses on the PDP as possible for Council approval. But again, it may change.

Committee Member Faith expressed it is awkward when Council approves a PDP for a specific use, but then it changes and constituents ask the Council why it changed. He asked if there is merit to the City Council seeing the FDP after it is approved. What do other communities do?

Mr. Elam said it's mixed for other communities. Some require a two-step process for public hearings, some require more information on the PDP and then don't require a FDP, while others only require a portion of the project go through the Planning Commission. Staff has been tossing around different ideas. There are multiple options that can be used. Timing is everything and everything must align correctly to complete the project. Staff's goal is to shorten the process time and provide more certainty for high risk developments.

Committee Member Faith agreed the City needs to be respectful to the community, the developers and their costs.

Commissioner Funk added the public needs to be educated on the public hearing process at the Planning Commission level as well and understand the plan is still preliminary.

Committee Member DeMoro stated the City has more public hearings than other area communities and there is a lot of change going on in between the different public hearings for a specific project. He agreed there is room for change.

Committee Chair Forte suggested staff look at different ideas to make the process better and bring it to the CEDC after the first of the year for discussion.

### C. [2019-3024](#) Quality Housing Program Discussion

Mr. Harper provided the background and history on the topic of mandatory rental inspections which evolved into a Quality Housing Program (QHP).

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The first step was to update the City codes to the 2018 International Property Maintenance Code which have been in effect since April 2019.

Their next step is discussion/feedback of the program and then to implement the program.

Goals of the QHP include improve safety and maintenance of all housing, encourage rather than enforce compliance, and garner community outreach and engagement.

He reviewed the current code enforcement process which is reactionary and occurs after a complaint has been filed about a possible violation.

The QHP is designed to prevent violations by education/outreach with the public, land owners, etc., create a certification program and provide voluntary inspection services.

The education/outreach will target groups such as HOA's, churches, other community groups through various methods and the information will be updated and developed based on time of year and effectiveness and evaluations.

The voluntary inspections will be owner/occupant requests to look for possible code violations and will offer suggestions to prevent future violations. The inspector will also check basic safety devices. The citizen will receive a document with the findings of the inspection. If the property passes inspection, a certificate will be issued and the property certified for two years. However, if there is a violation, (unless it is egregious) staff will not open a case, rather the property owner will be notified to remedy and another inspection will be given.

Most of this program can be implemented with existing staff time during the pilot year and will have minor impact on current budget levels.

Vice Chair DeMoro asked if other cities provide voluntary inspections. Mr. Harper stated he's not aware of any cities offering voluntary inspections. KCMO is expanding their rental inspections with a mandatory fee but he does not have the data on the frequency of the inspections.

Vice Chair DeMoro wondered if the City should implement a fee on the inspections and if so, would cover the cost of hiring an additional inspector. Mr. Harper agreed it would.

Mr. Elam stated staff looked at what the least negative impact on the community would be should they switch to a mandatory fee from voluntary inspections. Fees would be based on data on the number of inspections and the length of time for the inspections.

Mr. Elam added the most proactive measure would be the education/outreach aspect of the program. The certification process may also increase participation in the program as new residents become aware of the program. He also stated staff plans to create a marketing plan (with the assistance from the Creative Services Department) for the program and present it to the full City Council in October.

Committee Member Faith asked what criteria is being used for the program and if public safety personnel will be involved. He also suggested publishing a check list so people may do their own inspection prior to requesting an inspection from the city.

Mr. Harper replied they are still researching but plan to use the top five code violations as criteria and will include both fire and police personnel on safety issues.

In response to Committee Member Faith's question about rental property voluntary inspections, Mr. Elam replied if a property is occupied by a tenant, the tenant has to give permission to enter. However, the owner has to notify the tenant of the inspection. Currently a tenant or an owner may request an inspection.

Planning Commissioner Funk asked what happens if a property inspection fails. He also asked if a landlord with multiple rental locations may advertise their property is certified. Mr. Harper stated there would be no punitive action taken if a property fails inspection, but they would schedule a re-inspection. As for landlords with multiple locations only those locations that passed inspection would receive a certificate and the landlord could advertise that a specific location is certified.

Committee Chair Forte asked how long the pilot program would be in place before becoming mandatory.

Mr. Elam replied staff plans to evaluate the program after a six month and a one-year review.

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Committee Chair Forte agreed this is a natural progression for cities to implement a proactive program however, the City's future budgets may be affected should the program expand past the pilot stage.

#### D. [2019-3028](#) CDBG 2020-2024 Consolidated Plan Kick-off Discussion

Mr. Elam introduced the staff members who work on the CDBG program and their role.

Mr. Zhan reviewed the current process for the 2020-2024 CDBG Program and explained this is a five-year consolidated plan broken into three components consisting of a strategic plan, implementation and evaluation.

CDBG is an entitlement program designed to meet three national objectives to benefit low-to-moderate income persons, eliminate or prevent blight or slum conditions and address urgent needs. Any programs or activities funded by CDBG must meet one of these objectives.

The consolidated plan has key elements required by every community including a community needs assessments, a market analysis, and a strategic plan and establishing goals.

HUD also has process requirements that include public participation, consultation, research, assessment and analysis. After those requirements are met the next steps include goal setting, identifying resources to achieve goals, drafting a consolidated plan, presenting the plan to the public, a public hearing, adoption and finally submission to HUD.

Mr. Zhan reviewed the timeline for the plan with the kick-off starting in early September, the public participation, research, and drafting the plan taking place in October, followed by public comments and a CEDC public hearing in November with Council adoption in December. The consolidated plan timeline would start in January 2020 and end in May 2020.

Ms. Amy Hugunin, Administration Manager in Development Services, added they plan to use ETC Institute to collect survey information to have statistically valid results for this program.

Committee Member Faith asked where the CDBG money for this program is funded and if it is filtered through the state before it comes to the city. Mr. Zhan replied it is funded through the federal government and comes directly to the city because Lee's Summit is an entitlement community.

Committee Member Faith acknowledged this program goes to residents and organizations that truly need it and while it's hard to quantify it symbolizes good will in the community.

#### 7. Roundtable

Chair Forte thanked Mr. Wallace for visiting Lee's Summit and sharing ideas and experience with the City's staff. She also wished him well on his return to Alaska.

Chair Forte stated the next meeting of the Community and Economic Development Committee will be Wednesday, October 9, 2019 at 4:00 pm.

#### 8. Adjournment

There being no further business, Chairperson Forte adjourned the meeting at 5:57 P.M.

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