



**City of Blue Springs
903 Main Street
Blue Springs, Missouri 64015**

**Development Advisory Commission
MINUTES
Wednesday, February 9, 2022**

A meeting of the Development Advisory Commission of the City of Blue Springs was held in City Hall Development Room 128 located at 903 W. Main Street on Wednesday, February 9, 2022, with the following members and guests in attendance.

**MEMBERS
PRESENT**

Travis Hagewood
Travis Graham, Chair
Bob Frost
Orion Berridge, Vice Chair

**MEMBERS
ABSENT**

STAFF / OTHERS

Mike Mallon, Director, Community Development
Matt Wright, Assistant Director, Community Development
Chris Sandie, Director, Public Works
Jerry Kaylor, Councilmember Dist. 1, Liaison
Aliyah Kincade, Recording Secretary
Jackie Sommer, City Attorney

CALL TO ORDER

Chairperson Travis Graham called the meeting to order at 9:10 a.m.

**APPROVAL OF
MINUTES**

Chairperson Graham requested action on the Consent Agenda. Commissioner Bob Frost moved to approve the June 15, 2021, meeting minutes. Seconded by Commissioner Travis Hagewood.

**AGENDA ITEM 2A
/ UNIFIED
DEVELOPMENT
CODE TEXT
AMENDMENT /
A. UDCT-01-22-8120
/ "Solar Energy
Systems"**

Matt Wright, Assistant Director, Community Development, presented to change section "F" in the Solar Energy Systems section and remove "roof mounted panels shall not be allowed on the primary street facing roof plane".

Mr. Wright stated City Council in December of 2021 stated they wanted this part of the code re-reviewed. Since the amendment took place in 2019 twelve applications have been denied due to the prohibition and many more withdrawn or revised. Community Development has received many calls and concerns regarding the prohibition and the prohibition does diminish the availability for solar panels, especially houses facing west and south.

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City Council did raise concern on how the amendment will affect HOA's and Mr. Wright did notate the building permit application has a statement that the application is in accordance with the HOA covenants. The City does not regulate the HOA covenants but the wording is in place for homeowners and contractors awareness. HOA's may have more restrictive solar panel requirements than the City, but they cannot be less restrictive than the City.

QUESTIONS

Chairperson Graham questions if we are the only City with the solar panel prohibition.

Mike Mallon, Director, Community Development, answers when we did research about two years ago there was one city in the St. Louis area and he believes Mission Hills, Kansas.

Councilmember, Jerry Kaylor, Dist. 1, states he is one of the Councilmembers bringing the reconsideration forward and did vote for the prohibition previously. Councilmember Kaylor raises his concern with the amendment in reference to the HOA's and possibly asking for an approval from the HOA's.

Mr. Mallon states other Councilmembers have asked for the HOA approval letters, but due to not having any jurisdiction over HOA's, we have not done an approval letter. Mr. Mallon recommends we do not add the HOA approval in the Code as it could lead to unwanted reactions in the future.

Commissioner Travis Hagewood reiterates that any building permit within a HOA district needs to receive approval and in most cases the HOA is aware, but there are those few scenarios where it does not happen.

Mr. Mallon states from a staff perspective, the HOA approval letter has not been required so that the City does not appear as if they are enforcing HOA restrictions and would like to continue that ideology moving forward.

Mr. Wright states we would internally need to flag all parcels within HOA district and further confirm if the HOA is active.

Councilmember Kaylor questions if we can add a checkbox indicated the HOA approval and if the application was found to be false, it would void the permit entirely.

Mr. Mallon states the building permit application has no indication if the applicant is part of an HOA or that the HOA has approved said permit application.

Commissioner Hagewood questions if a HOA approval suggestion could be added to the building permit application.

Aliyah Kincade, Recording Secretary, states previously she assisted with building permits and that it is advised to check with the HOA and the building permit application iterates the same detail.

Mr. Mallon states we can add by policy a phrase to the approval letter connecting HOA approval or awareness.

Mr. Wright agrees with Mr. Mallon and adds we could use an automate stamp.

Councilmember Kaylor is pleased with such suggestions.

Mr. Mallon applauds the suggestions as this would be the safest for the homeowners, HOA's and City. This would relinquish the ideology that the City is trying to enforce HOA policy.

Mr. Wright states agrees with Mr. Mallon, and it would also dissolve any disputes that could occur in the future.

Chairperson Graham questions if the previous suggestions should be an amendment to the proposed amendment or just an internal note.

Jackie Sommer, City Attorney states the suggestion should be left out of the Code.

Mr. Wright and Mr. Mallon express the verbiage can be adjusted on the building permit application.

Ms. Sommer advises to add the suggestion to the City Council presentation as a DAC recommendation.

Chairperson Graham asks if the buildings can handle the solar array weight, does that play apart in the permit process.

Mr. Wright states the applications are usually above and beyond capability and the application comes with an engineer sign off to show the building is capable of the additional weight.

Commissioner Bob Frost wants clarification on the amendment and if the HOA denies the solar array, it would be denied. If the HOA denies the application for the solar array the application would need to appeal the HOA covenants or revise such plan, the City has no jurisdiction.

Mr. Wright explains this amendment goes back to the solar restrictions prior to 2019 which had no prohibition on street-facing panels.

Commissioner Frost explains the amendment bothers him due to the aesthetics of solar panels on the front of buildings. Commissioner Frost can accept the amendment if the HOA has jurisdiction on approval of the solar arrays.

Chairperson Graham states if the restrictions do no override HOA and developers restrictions he too is in acceptance of the amendment.

Councilmember Kaylor addresses Commissioner Frost displeasure with the solar panel aesthetics and explains new technology for solar panels is coming to revert such dislike.

Mr. Mallon states the HOA's will still be protected and have more jurisdiction than the City in conjunction with structures built without an approval or permit.

MOTION

A. UDCT-01-22-8120

/"Solar Energy Systems"

Commissioner Bob Frost moved to recommend approval of UDC Text Amendment / A. UDCT-01-22-8120 with suggestions to be added to the building permit approval letter or application.

SECOND

Commissioner Travis Hagewood.

VOTE

Bob Frost- Aye
Orion Berridge – Aye
Travis Hagewood – Aye

(APPROVED 3-Aye, 0-No)

ADJOURN

With no further items to come before the Commission, a motion was made by Commissioner Bob Frost, and seconded by Commissioner Travis Hagewood, to adjourn at 9:31 a.m. Motion carried unanimously.


Respectfully Submitted by,
Aliyah Kincade, Recording Secretary


Travis Graham, Chairperson

3-28-22

Date