

## MINUTES

### PLANNING AND ZONING COMMISSION MEETING

MAY 20, 2021

Case Number 142-2021

**A request by A Civil Group (agent), on behalf of Plumrose USA, Inc. (owner), for a one-lot final minor plat consisting of two parcels. The 80.77-acre site is zoned IG (Industrial), located on the east frontage of Paris Road approximately one mile northeast of the Paris Road and U.S. 63 interchange, and commonly addressed 5008 Paris Road.**

MS. LOE: May we have a staff report, please?

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the requested final minor plat of Plumrose USA, Inc., subject to technical corrections (i.e. corner truncation and technical surveying matters).

MS. LOE: Thank you, Mr. Kelley. Before we move to ex parte, are there any Commissioners who would like to recuse themselves from this case? Mr. Stanton?

MR. STANTON: Madam Chair, I'm going to recuse myself. I think we're -- the company I work for is bidding for this work, so I'm going to step out.

MS. LOE: Thank you. Anybody else? Seeing none. If any Commissioners have had any ex parte related to this case, I would like to ask them to share that with the Commission now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Are there any questions for Mr. Kelley? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Kelley, could you -- and maybe legal will have to help us here. The sewer line --

MR. KELLEY: Uh-huh.

MR. MACMANN: -- it's not set in stone, but we're asking to approve it. Is that -- will that shape the nature and the verbiage of our motion?

MR. KELLEY: No, I don't believe so. There's a separate agreement between the City and Swift Foods. It's Ordinance or Bill 9721 that says that the sewer line that has to be substantially in this location --

MR. MACMANN: Uh-huh.

MR. KELLEY: -- and they've agreed to it, so it shouldn't affect the motion.

MR. MACMANN: Well, this may be a question that's outside of our bounds here, but maybe Mr. Zenner can answer this question. Is their CO dependent upon that sewer going where we need it to go?

MR. ZENNER: Not to my knowledge. And this sewer that is proposed is actually not the sewer that is serving the site, so there is sewer connection to the property today.

MR. MACMANN: Uh-huh.

MR. ZENNER: So given the nature of the separate agreement that has already been brokered between Swift and the City, we would be confident in that agreement trumping any CO issuance with the

approval of the plat, so --

MR. MACMANN: I feel the need to answer this -- ask these questions because these folks will be generating a tremendous amount of usage on our sewer system.

MR. KELLEY: Yeah. And I want to correct Pat here because I -- this actually would serve the site. In the future, I think due to the peak usage on this area, it would serve the site and then also greater usage for the area kind of on this industrial corridor.

MR. MACMANN: So Plumrose plus, so to speak?

MR. KELLEY: Yes.

MR. MACMANN: All right. I'm just -- I'm just a little uneasy with that not being laid out before us to this point, but maybe we can address that as we go forward. Thank you.

MS. LOE: Ms. Geuea Jones?

MS. GEUEA JONES: I -- yeah. I'm wondering this -- I guess it's just the two technical corrections that seem a lot more than technical. What assurance do we have, if we approve this tonight, that the final plat will look substantially similar to this, other than just they said it would. I mean, sewer -- sewer easement seems like a very big deal to say approve this now and we'll put it in later.

MR. KELLEY: Sure. The -- the sewer line is not one of the technical corrections, to be clear. The technical corrections are just for the corner truncation, so this small bit of right-of-way, it's probably smaller than what I even have noted here, just to give a radial bit out of right-of-way for the major collector on Paris Road. The other technical correction is just survey notations, like how large the font is, for example.

MS. GEUEA JONES: Right. And that's what we normally think of as technical?

MR. KELLEY: Yes. Yeah.

MS. GEUEA JONES: So the sewer is not a technical correction, and there will be nothing in our motion and recommendation to Council that indicates the sewer easement issue needs to be addressed; is that correct?

MR. KELLEY: Correct.

MS. GEUEA JONES: Okay. I'm not comfortable with that, but I'll save that for discussion. Thank you.

MR. ZENNER: And I think, just for a point of clarity associated with this, when Mr. Kelley brought to me and brought to my attention the separate sanitary arrangement that currently exists between Swift and the City, and his desire to have this included within the report, it did cross my mind that this type of discussion may occur. It is not uncommon that we do have easements dedicated by separate document. And if I am not incorrect, the sewer does exist on this property and therefore, this discussion is only being brought forward for the purposes of information. The existing agreement that is in place is what's governing the future dedication of this sewer easement and its likely construction by the City. So just to say that we often take utility easements by separate document unbeknownst to the Commission as it relates to platted property. And so this is not an oddity. We -- we felt that it was important to at least

acknowledge the fact that this easement would be here within this particular area, but covered under a different agreement.

MS. LOE: Ms. Geuea Jones, do you have a follow-up question?

MS. GEUEA JONES: Yeah. So now I've -- I've heard two things. Is this easement to service this property or not?

MR. KELLEY: Yes, partially.

MS. GEUEA JONES: Okay. Thank you.

MS. LOE: Mr. MacMann?

MR. MACMANN: Just a point of information for Manager Zenner. Yeah, I'm aware of that, Mr. Zenner. Given the example we currently have, Oscar Mayer, they use lots of water, they use lots of sewer. We've given these folks a lot of money. It's -- it's a due diligence thing here, something we wouldn't normally, you know, if this was 15 acres and eight homes or whatever, it wouldn't be as much of an issue. They're going to have a high demand for sewage usage, and we need to be responsible stewards. That's why I'm bringing this up.

MS. LOE: Any additional questions for staff? Seeing none. We will open up the floor to public comments.

#### **PUBLIC HEARING OPENED**

MS. LOE: If anyone has any comments they would like to make, please give your name and address for the record.

MR. MURPHY: Madam Chair and Commission members, my name is Kevin Murphy, A Civil Group, 3401 Broadway Business Park Court. To kind of clarify, I guess, a little bit, if I can, the sewer is required for this property. This project could not happen without that sewer. They have in a separate agreement already by ordinance with the City Council that they will provide this easement. It's just a timing issue. The City isn't prepared to define this line at -- quite at this time, but they are prepared to start construction, hopefully, you know, under the good faith that the City does get this designed and done. So actually they're taking a big chance with doing this, so they definitely will dedicate this easement. They're obligated to by their -- their agreement. The truncation, again, the right-of-way on the south end, this discussion about that, and it was a late comment -- a bit of a late comment to address, and the truncation was just a missed object, which is already cleared. I had trouble, I would have had it -- had trouble getting it printed off and to get it signed today, so we'll get it turned in tomorrow. That's all I have. Have any questions, if you have any?

MS. LOE: Any additional questions for Mr. Murphy? I see none. Thank you.

MR. MURPHY: Thank you.

MS. LOE: Any additional speakers on this case? If there aren't any, we will close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner comment? Ms. Russell?

MS. RUSSELL: I'll just make a motion. In the Case of 142-2021, I move to approve the requested final minor plat of Plumrose USA, Inc., subject to technical corrections.

MS. BURNS: Second.

MS. LOE: Second by Ms. Burns. We have a motion on the floor. Any discussion on that motion? Ms. Geuea Jones?

MS. GEUEA JONES: I -- I don't know exactly how to put what I want to say into words, but it -- it feels like this was brought perhaps prematurely or -- or something, but I -- I -- I like the project. I don't have a problem with the final plat. I am uncomfortable, I think, with -- it feels a little cart before the horse, but maybe that's my inexperience. At any rate, unless my fellow Commissioners would correct me on this, I -- it feels odd to have something this major left to other action and put an amendment on the plat later, but that -- that's all. It just feels weird.

MS. LOE: Any additional comments? Seeing none. Mr. Toohey, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann. Motion carries 7-0; one abstention.**

MR. TOOHEY: The motion passes seven-zero.

MS. LOE: Recommendation for approval will be forwarded to City Council. That brings us to our public hearings for the evening.