

**Planning and Zoning Commission Special Work Session Minutes
December 12, 2016
Conference Room 1-B - 1st Floor City Hall**

ATTENDANCE:

Members Present: Burns, Harder, Loe, MacMann Rushing, Russell, Strodtman, Toohey

Members Absent: Stanton

Staff: Teddy, Zenner

Guests: Farnen

ADJUSTMENTS TO AGENDA: None.

TOPICS DISCUSSED – Old Business

- Unified Development Code – Segments 5 & 6 amendments discussion

There was general Commission discussion regarding the amendments that were proposed at the December 1 and December 8 work sessions and how they would be handled at this evenings meeting since the Commission was unable to address them at its December 8 public hearing due to the time it took to complete regular business items. Mr. Zenner explained that the only item to be covered at the meeting were the amendments to Segments 5 and 6. No other public input would be received.

The Commission discussed potential amendments to the sections that were already covered in earlier public hearings. Mr. Zenner noted that these revisions would be best made during the final UDC wrap-up meeting that was scheduled for December 15. The Commission discussed reconvening in work session following the public hearing tonight to discuss these possible amendments as well as other matters relating to the December 15 hearing.

Work Session adjourned at 5:55 pm for Special Public Hearing.

Work Session reconvened at 7:30 pm.

In addition to making final revisions, the Commission would be receiving final public comment at that meeting. Mr. Zenner explained what he believed the purpose of the December 15 meeting to be. He noted that the Errata Sheet was hopefully going to be used as a tool for speakers to frame their thoughts on the topics covered within the UDC.

Mr. Zenner suggested that the purpose of final public comment was not to introduce new material, but rather comment on what was not or may not have been sufficiently addressed in the code. It was these issues that the Commission would need to respond to. Mr. Zenner noted that it would be best to avoid trying to answer hypothetical situations.

There was discussion of what procedures would be used for receiving public input at the December 15 meeting. Specifically Commissioners were interested in how long and how often could an individual could address the Commission. Mr. Zenner noted that this was a difficult question to answer; however, the Commission could use the “complex” meeting rule time limits (10 minutes) or use the 3-5 minute standard typical of regular meeting procedures. Mr. Zenner provided several examples of meeting time length based on approximately 50 people speaking on the UDC.

The Commission concluded that it wanted to go with a maximum of 5 minutes per speaker and would adjust based the number of speakers present. Chairman Strodtman asked Mr. Zenner to prepare a handout that could

be provided to each meeting attendee explaining the hearing procedure. Mr. Zenner indicated that he would prepare the handout.

The Commission also discussion additional revisions to neighborhood protection standards, conditional vs permitted uses in the Land Use Table, and UDC and Fire Code conflicts. In regards to the requested revisions to neighborhood protection standards, the Commissioners felt that the issues sought to be changed were potentially too expansive and may result in unintended consequences outside of the UC-Overlay areas. There was general concern that anything done with these provisions would penalize one group at the expense of the other. The Commissioners were generally unsupportive of making changes to an already challenging section of the Code and expressed a desire to try to create a different way of providing some level of protection to single and two-family dwellings, but could not see a simple way of accomplishing that without additional study.

Regarding the issue of conditional vs permitted uses, Mr. Zenner noted that the staff has repeatedly noted that it desires to eliminate as many conditional uses as possible through the creation of "use-specific standards". This process; however, will take time and is a post-UDC activity. In the interim, any use that becomes conditional will be legal and can be changed to any other conditional uses of similar intensity without going through the CUP process. The issue of having to go through multiple steps to get a new tenant into the structure is a misunderstanding of the regulations.

Finally, regarding the issue of UDC and Fire Code conflicts, the Fire Department had responded indicating that such conflict does not exist. As part of the plan review process access issues will be addressed to ensure the Fire Code provisions are met. The Fire Code supersedes all other regulations and it grants significant latitude to the Fire Official in achieving compliance. The Fire Marshall's office did not see the neighborhood protection standards as a limiting factor in achieving Fire Code compliance.

ACTION(S) TAKEN: Work session minutes from December 1, 8, and 12 would be approved at the January 5 meeting. No votes or motions were made. Meeting adjourned approximately 10 p.m.