

Planning and Zoning Commission Work Session Minutes
October 5, 2017
Conference Room 1-B - 1st Floor City Hall

ATTENDANCE:

Commission Members Present: Harder, Loe, MacMann, Rushing, Russell, Strodtman, Stanton, Toohey
Commission Members Absent: Burns
Staff: Caldera, Teddy, Smith, Zenner
Guest: Farnen

ADJUSTMENTS TO AGENDA: None

TOPICS DISCUSSED – New Business:

- **Planning Commission Rules of Procedure**

Mr. Zenner indicated that he was still awaiting responses from the Commission regarding the possible amendments to the Rules of Procedure. He noted that Mr. Caldera and he had not complied the information received at this point nor undertaken any additional investigation of the comments submitted by Commissioners – only three written comments covering approximately 5 issues were received to date.

Mr. Zenner sought clarification from the Commission regarding how Commissioners wanted staff to proceed. He noted that this clarification was important because there had not been a full legal evaluation of the materials submitted by Ms. Rushing which was thought to be the basis of the Commissioner's comments. Mr. Caldera indicated that to proceed to conduct such a review would be very time consuming and that a cursory review identified several possible 1st amendment violations that would need to be addressed. Mr. Zenner continued and asked if the Commissioner's felt that the content of Mr. Rushing document, less those sections upon which comments were being submitted, was essential for the proposed changes to be considered. He noted that staff was taking the approach that if there were no comments on any other sections or text that those section either were unimportant or were not needed.

Commissioner's indicated that staff's view was not how they saw the proposed changes needing to be evaluated. Several Commissioners indicated that they felt a full analysis of the provisions within Ms. Rushing document was needed and that the provisions for which comments were being made were directly influenced by those other provisions not being commented one. Given this discussion it was recommended that Commissioners needed to first decide if they wanted to proceed with the possibility of changing the Rules of Procedure and narrow down the provisions that should be retained and undergo detailed legal review.

Mr. Zenner indicated that if the Commissioners wanted to proceed with proposing changes it was possible that Council would take the opportunity to make additional revisions. He also noted that his perception of the functioning of the Commission appeared to have improved since this topic had been raised and discussed. Mr. Zenner suggested that the Commission appeared to be being self-managing the issues of concern. The majority of the Commissioners felt that recommending changes was still necessary.

It was recommended that a special work session be scheduled to discuss the possible changes since it appeared little progress was being made within the general Commission work sessions. Mr. Zenner noted that such a special work session would need to be scheduled for early December. Commissioners agreed that this was the best course of action. Mr. Zenner noted that he would provide the Commissioners with an editable copy of the provisions that Ms. Rushing offered as a discussion document as well as the future special work session date. The purpose of the special work session would be to narrow down the provisions the Commission wanted to have contained in a proposed set of amendments for which a detailed legal analysis could be conducted. Mr. Caldera indicated that such a detailed review

would like mean that a final version of the proposed revisions would not be ready of Commission consideration until sometime in early 2018. Commissioners acknowledged that this was understood.

- **Permitted and Conditional Use – Potential Amendments**

Mr. Zenner picked up discussion of the potential amendments to the permitted and conditional uses from where the last work session ended. The Commission discussed allowing residential care facilities as a permitted use in the R-MF district provided they did not have a skilled nursing facility associated with them. This distinction was made because the definition of residential care facility now included CCRC's. The Commission also agreed that temporary shelters should be retain as a conditional use in all the districts were the use is currently identified. This conclusion was arrived at after significant discussion regarding the process for establishing emergency shelters operated by churches.

Due to length of discussion regarding the Commission's Rules of Procedure available work session time was consumed. Mr. Zenner noted that this discussion would be continued to the October 19 work session and would be moderated by Mr. Teddy or another staff member since he and Mr. Caldera would not be at the upcoming meeting. Commission agreed that this would be acceptable.

ACTION(S) TAKEN: September 21, 2017, minutes were approval. No other votes or motions were made.

Meeting adjourned approximately 6:55 p.m.