

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**JUNE 4, 2020**

**COMMISSIONERS PRESENT**

**Mr. Rusty Strodman**  
**Ms. Joy Rushing**  
**Ms. Lee Russell**  
**Mr. Brian Toohey**  
**Ms. Tootie Burns**  
**Ms. Valerie Carroll**  
**Ms. Sara Loe**  
**Mr. Michael MacMann**

**COMMISSIONERS ABSENT**

**Mr. Anthony Stanton**

**I. CALL TO ORDER**

MS. LOE: I would like to call the June 4, 2020 Planning and Zoning Commission to order.

**II. INTRODUCTIONS**

MS. LOE: Ms. Burns, may we have roll call, please.

MS. BURNS: Yes. We have eight; we have a quorum.

MS. LOE: Thank you.

**III. APPROVAL OF AGENDA**

MS. LOE: Mr. Zenner, are there any adjustments or additions to the agenda?

MR. ZENNER: No, there are not, ma'am.

MS. LEE: Move to approve.

MS. LOE: Thank you, Ms. Russell.

MR. MACMANN: Second.

MS. LOE: Second by Mr. MacMann. I'll take a thumbs up approval on that.

(Unanimous vote for approval.)

MS. LOE: Unanimous.

**IV. APPROVAL OF MINUTES**

MS. LOE: Everyone should have received a copy of the May 21, 2020 meeting minutes. Were there any changes or edits to those meeting minutes? Seeing none.

MS. LEE: Move to approve.

MR. MACMANN: Second.

MS. LOE: Thank you. Moved by Ms. Russell, second by Mr. Stanton --

MS. RUSHING: MacMann.

MS. LOE: Sorry.

MR. MACMANN: I will inform Commissioner Stanton of his second.

MS. RUSHING: You were thinking about who wasn't here and --

MS. LOE: Second by Mr. MacMann. I'll take a thumbs up approval on the meeting minutes.

Unanimous.

## **V. SUBDIVISIONS**

### **Case Number 85-2020**

**A request by Van Matre Law Firm (agent) on behalf of the Donna Jean Armstrong Unitrust (owner) for approval of a five-lot final major plat on property zoned M-C (Mixed Use-Corridor) to be known as Battle Crossing - Plat 1, and an associated design adjustment to Sections 29-5.1(f)(3) of the Unified Development Code to allow a new lot line through a structure. The 16.04-acre subject site is located at the southwest corner of Clark Lane and St. Charles Road. (This item was tabled at the May 21, 2020, Planning and Zoning Commission Meeting.)**

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the final plat for Battle Crossing-Plat 1 and approval of the design adjustment for 29-5.1(f)(3)(Lot lines over structures).

MS. LOE: Thank you, Mr. Smith. Before we move on to staff questions, I would like to ask any Commissioner who has had any ex parte prior to this meeting, to please disclose that now so we all have the same information to consider on behalf of this case in front of us. I see none. Are there any questions for staff? I see none. Good job, Mr. Smith. Since there's no staff questions, we're going to open the floor to public comments.

### **OPEN PUBLIC COMMENT**

MS. LOE: If anyone has any comments that they would like to share, please come forward to the podium and give name and address for the record. We do restrict you to six minutes if you're speaking for a group and three minutes if you're speaking individually.

MR. HOLLIS: Thank you. Robert Hollis, 1103 East Broadway, here on behalf of the applicant. Also here is a representative, the engineer, as well as the applicant contract purchaser. We are here to answer questions to the extent that you have any.

MS. LOE: Any questions for this speaker? Good job, Mr. Hollis.

MR. HOLLIS: Thank you.

MS. LOE: Any other speakers? Seeing none. We will close public comment.

### **CLOSE PUBLIC COMMENT**

MS. LOE: Commission discussion? Mr. MacMann?

MR. MACMANN: Seeing none of my fellow Commissioners stepping up to ask any questions at this time, and that's fantastic also, I would like to make a motion. In the matter of Case 85-2020, with associated design adjustment, I move to approve.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any discussion on that motion. I see none. Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion carries 8-0.**

MS. BURNS: Eight to zero, motion carries.

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council.

## **VI. PUBLIC HEARINGS**

MS. LOE: That brings us to our public hearings for the evening.

### **Case Number 90-2020**

**A request by Derek Dometorch (member) on behalf of Central Columbia Properties, LLC (owner) to rezone approximately 0.06 acres from R-MF (Multiple-Family Dwelling District) to R-2 (Two-Family Dwelling District) to facilitate construction of a single-family home. The vacant lot is addressed 811 N. Sixth Street and is zoned R-MF and FP-O (Flood Plain - Overlay).**

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 R-2 Zoning Map Amendment.

MS. LOE: Thank you, Mr. Kelley. Before we move to staff questions, I would like to ask any Commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Mr. MacMann?

MR. MACMANN: A point of clarity, not necessarily a conflict. As you know, I received a communication from the property owner south of this lot, which I transmitted to Mr. Zenner, and which he transmitted to you. And that was the extent. Though I do know this person, that was the extent of my communication with that property owner.

MS. LOE: Thank you, Mr. MacMann. Ms. Carroll?

MS. CARROLL: I actually received an identical communication and I responded to Pat. Mike sent his around, forwarded his to Pat before I did. I have no additional information than you do, and I alerted Pat to that as well.

MS. LOE: Thank you. Appreciate that. Mr. MacMann?

MR. MACMANN: If we are done, I do have a question for staff when we're -- if we're at that juncture.

MS. LOE: I'm just going to turn my head and make sure there was no one raising their hand on this side. I see no further. Yes. We can move to questions for staff. Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Welcome.

MR. KELLEY: Thank you.

MR. MACMANN: I -- my house is in this picture, as a matter of fact, and I am familiar with this lot. A technical point moving forward, and if this is a Pat question or an engineer question, that's fine. If they build up that front yard, it doesn't violate the flood zone problem; is that correct?

MR. KELLEY: Correct. The entire property is still will be regulated as if it's in the flood plain.

MR. MACMANN: As if it was in flood plain. And looking at the maps, I am correct when I say that the property directly to the north, and I think the ones directly to the west of that property, are on a PCC, are they not?

MR. KELLEY: Sure.

MR. MACMANN: It's a private sewer just north of them? That was a yellow line on the map, and I'm assuming what that -- rather than the green line which we would normally have?

MR. KELLEY: I'm not sure. I would defer to Pat.

MR. MACMANN: It looked as if this -- although I remember when there was a house on there -- thank you, Mr. Zenner. There was a house on there. I'm assuming it had sewer, and I don't know if it was connected to the City sewer, which runs in front of this property, or if it was connected to the property north of it, which is a private sewer. And all of -- given the neighborhood and with my familiarity with the neighborhood, all of these things could be true.

MR. ZENNER: And you're referring to the -- you're referring to the utility map that was included within the packet, sir?

MR. MACMANN: Yes, sir. Yes, sir.

MR. ZENNER: Ironically -- ironically, what is shown here is interesting because it shows that the private common collector goes in front of the property immediately to the north of the subject site on Wilkes with that public sewer to the -- in Sixth Street, but it doesn't show a connection.

MR. MACMANN: And that's fine. I'm asking that question.

MR. ZENNER: Given -- given what is currently shown on the map, if I were to have to make an educated guess, which is what I am going to offer you here --

MR. MACMANN: Thank you, sir.

MR. ZENNER: -- is that the home immediately to the north on the corner of Wilkes and North Sixth is actually connected to the City sewer given that it does not have a connection point to that common collector. That may or may not be right because I haven't done an actual GIS evaluation of that.

MR. MACMANN: This -- this neighborhood, and if you guys -- well, future reference when we get to this. Our neighborhood is fraught with mixed connections, no connections, that type of thing. I am correct in assuming that as this property develops, and I that's, I think, what the map said, this will be connected to the City sewer?

MR. ZENNER: That would be correct, because that is the sewer that immediately lies in front of the property.

MR. MACMANN: I just wanted to verify that point. Thank you very much, Mr. Zenner.

MR. ZENNER: Thank you.

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

**PUBLIC HEARING OPENED**

MS. LOE: If anyone has any public comments they would like to share with the Commission, please come forward. I see none, so we will close public comment.

**PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion? Mr. MacMann?

MR. MACMANN: I will be supporting it because we need every affordable home we can get in the neighborhood and in the City. As to our friend's communication and concern about the setback, I think that's valid to a point. You will note, if you look at some of those connector maps, as you go south, the houses get closer and closer and closer to the road. Mara's house, the one directly to the south, she does have, like, a 27-foot setback. But if you go further to the south, well, Ms. Fowler's house is well within the 25 -- Commissioner -- excuse me -- Councilperson Fowler's house. I don't have a problem with the setback, is what I'm saying, if they're going to violate. This lot is -- I walk by here all the time. This lot is tiny, like, fit in this room kind of small. So I just wanted to say that and that's -- and I will be voting yes on this. Thank you.

MS. LOE: Ms. Russell?

MS. RUSSELL: If there are no other comments, I was going to make a motion.

MS. CARROLL: I did have -- for me --

MS. LOE: Ms. Carroll, if you can just raise your hand above the ledge. Thank you.

Ms. Carroll.

MS. CARROLL: For me, this is easy to support. For me, this downzone is easy to support given the immediate need for affordable housing, and the fact that this lot could not support an RM-F in the near future and the need for affordable housing is now. And -- and, therefore, I do plan to support that. I would be amenable to a setback that kept with the line, but I don't believe that function of voting is before us right now, to my understanding. And so based on the rest of the pertinent information for this case, I would support it. That is all.

MS. LOE: Ms. Russell?

MS. RUSSELL: I'll make a motion. In the case of 90-2020, I move to approve the R-2 zoning map amendment.

MR. MACMANN: Second.

MS. CARROLL: Second.

MS. LOE: Mr. MacMann seconded that. We have a motion on the floor. Any discussion on that motion? I see none. Ms. Burns, may we have roll call, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion carries 8-0.**

MS. BURNS: Eight to zero, motion carries.

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council.

**Case Number 99-2020**

**A request by Brush and Associates (agent) on behalf of Tom and Pam Kardon (owners) to rezone three parcels from PD (Planned Development) to M-C (Mixed-Use Corridor). The property is addressed 1206 Coats Street and is the location of Tom's Imports.**

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

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the M-C zoning map amendment.

MS. LOE: Thank you, Mr. Zenner. Before we move on to staff questions, I would like to ask Commissioners if anyone has had any ex parte prior to this meeting related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of the case in front of us. I see none. Are there any questions for staff? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Thank you for your presentation, Mr. Zenner. I just would -- one question. You said there were listed two phone calls with queries of some type. Can you tell me what those phone calls were concerning?

MR. ZENNER: They were more from -- what my recollection is Ms. Bacon had indicated more general inquiries as to what was happening. It was more procedural, not necessarily objecting to or supporting the request at hand.

MR. MACMANN: I just -- I just wanted to say because -- so we can get this -- this out right now before the rest of this goes forward. Mr. Kardon has been seen as a good neighbor, because it's my neighborhood association. And this area has about four activists within about 300 feet of it. Had he not been a good neighbor, we would have heard, and no one has issued any kind of complaint. I just wanted to get that out there. I don't know why -- I'm active in the neighborhood association and this didn't come to us, and I'm not sure why. I'll have to follow up on that. Thank you, Madam Chair.

MS. LOE: Thank you, Mr. MacMann. Any additional questions for staff? I see none. With that, we'll open up the floor to public comment.

**PUBLIC HEARING OPENED**

MS. LOE: If anyone has any comments, please come up to the podium and give us your name and address for the record.

MR. KARDON: My name is Thomas Kardon; I live at 4103 Hartfield Drive. I like to have the zoning done like the last one I did six months ago. And I've been taking care of the building, the landscaping, I do all myself. And everybody around me have shown M-C. Auto Zone next to us, we got different zoning from Auto Zone. North, all those bars, all those old buildings, they got different zoning,

M-C. I like to have the same zoning as everybody else around me. So the building, everybody knows looks good. It's been there for years. We're not going to change anything. It's not going to be for sale. That's all I have to say. Thank you.

MS. LOE: Thank you, Mr. Kardon. Are there any questions for this speaker? Mr. MacMann?

MR. MACMANN: Just real quickly, and I don't mean to step out too much. Mr. Kardon, if you're still interested in talking to the neighborhood association, you might want to see me later and I can make that happen. The neighborhood association president is my housemate, and there was obviously some kind of ball dropped there.

MR. KARDON: There was one time where I left a note on the door, and my phone number, and they never called me back. I tried to find the phone number of the president of the association.

MR. MACMANN: Yeah. I think there's –

MR. KARDON: I got some information from the City. They didn't have the phone number, and I left a note on the door.

MR. MACMANN: All right. I'll get you -- I'll get you a proper phone number because I don't –

MR. KARDON: I don't have any problem with the neighbors.

MR. MACMANN: Okay. If you still want –

MR. KARDON: All those neighbors around me, they know my mechanics. I follow them around the block as drive the cars. Be real careful, because a lot of kids around there. Behind there, there's a lot of little kids and we want to be safe.

MR. MACMANN: And -- and you're seen as such. Thank you, Mr. Kardon.

MR. KARDON: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, we will close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner discussion? Ms. Russell?

MS. RUSSELL: Since there's no discussion, I'll make a motion. In the case 99-2020, I move to approve the M-C zoning map amendment.

MS. CARROLL: Second.

MS. LOE: Second by Ms. Carroll. We have a motion on the floor. Any discussion on that motion? Seeing none. Ms. Burns, may we have roll call, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion carries 8-0.**

MS. BURNS: Eight to zero, motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council.

#### **Case Number 113-2020**

**A request by Allstate Consultants (agent), on behalf of the City of Columbia (owners) for**

**rezoning of approximately 139.07 acres from PD (Planned District) to O (Open Space) on property commonly known as A Perry Philip Park. The subject property is located at the northeast corner of Gans Road and Bristol Lake Parkway.**

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

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the requested rezoning from PD to O.

MS. LOE: Thank you, Mr. Zenner. Before we move to staff questions, I would like to ask any Commissioner who has had any ex parte on behalf of this case in front of us to please share that with us so we all have the same information in front of us. I see none. Any questions for staff? Mr. MacMann?

MR. MACMANN: A clarification question for Mr. Zenner. As you may know, I'm affiliated with Roots N Blues Festival, and we lease from the City to run that operation. What would be the difference -- it sounds like we could run it down here. Is there any difference on, say, something that we would do?

MR. ZENNER: I don't believe so. I mean, obviously, it's our City park. You operate Roots N Blues out of Stephens today.

MR. MACMANN: Uh-huh. Right.

MR. ZENNER: Stephens, quite honestly, may be the next park that we take out of its zoning district and drop it into O.

MR. MACMANN: Okay. That's -- I was kind of wondering what -- what's different here.

MR. ZENNER: I don't -- it won't have any significant difference. What I want to draw the distinction of is -- and the reason for why I belabor that point is commercial profit-driven entities that want to have an amusement park, want to do something else, but want to put it in O because they want to use it as an opportunity to say, well, we're not going to any heavy commercial development on the property -- no shopping centers, no car dealerships. You're still not going to be able to just operate freely without having to go through an additional process because there's no oversight to you as a private entity. The City has oversight of itself, and that's one reason why if you're engaging through a City contract to utilize public property, we're still -- we still probably have a big stick that we can wield.

MR. MACMANN: Just mildly painful, not necessarily large. How about that? Thank you, Mr. Zenner. I just was -- tried to split some hairs there.

MR. ZENNER: No problem.

MS. LOE: Ms. Burns.

MS. BURNS: Are fireworks displays allowed in O zoning?

MR. ZENNER: Well, you want to pin me in a corner. Fireworks displays, in general, are not permitted inside the City of Columbia by any residential property owner. They are prohibited by the general Code. Most people that live inside the City realize that and may or may not abide by that law. The City of Columbia, however, as an entity, we shoot fireworks off from downtown and areas that aren't zoned O, aren't zoned for fireworks stands either, probably. So I would suggest no, they would not be restricted from this area. In all seriousness, this particular area, given its relatively lack of population for

a broad area, not -- a limited density of population, I should say, may not be a bad location, and it does provide sufficient space and potentially opportunities for parking to accommodate large crowds.

MS. BURNS: I was just wondering if maybe that was a potential City site for a fireworks display.

MR. ZENNER: It may be in the future if we have fireworks.

MS. LOE: Additional questions for staff? I see none. We will close staff questions and open the floor to public comment.

#### **PUBLIC HEARING OPENED**

MS. LOE: If you would please give us your name and address for the public record.

MR. HARRINGTON: Good evening. I'm Brian Harrington with Allstate Consultants at 3312 Lemone Industrial Boulevard. I'm here on behalf of the Parks Department. Gabe Huffington with the Parks Department is here, as well, if there's any additional questions. That was a comprehensive staff report. I don't think I have anything to add, but I would be happy to answer any questions you guys have.

MS. LOE: Any questions for this speaker? Mr. MacMann?

MR. MACMANN: Just a real quick comment. Not all entities, not governmental entities come before us, bother to send anyone, let alone have staff show up. I just want to say I truly appreciate it because sometimes we have questions and when there's no one -- no one here, it's really hard to get an answer. Thanks for showing up, guys. Really, we appreciate that.

MS. LOE: And we usually do have questions. This is an unusual evening, trust me. So, thank you. Come on, guys, questions? People are going to think this is normal for us. Any other public comments? Seeing none, we will close public comment.

#### **PUBLIC HEARING CLOSED.**

MS. LOE: Commission discussion?

MR. MACMANN: If none my fellow --

MS. LOE: Whoever raises their hand higher. Mr. MacMann?

MR. MACMANN: Lee and I have already worked this out. If none of my fellow Commissioners have any questions, the matter of Case 113-2020, I hereby move to approve.

MR. STRODTMAN: Second.

MS. LOE: Second by Mr. Strodman.

MR. STRODTMAN: I slipped in there.

MS. LOE: We have a motion on the floor. Any discussion on that motion? I see none.

Ms. Burns, may we have roll call, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion carries 8-0.**

MS. BURNS: Eight to zero, motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council.

**Case Number 114-2020**

**A request by Anderson Engineering (agent) on behalf of Discovery Park Apartments, LLC (owner) for approval of the second major amendment to the Discovery Park Subdivision Plat 4 PD Plan. The proposed amendment seeks to subdivide the site into two separate lots and obtain approval of a design adjustment from Sections 29-5.1(f)(3) of the Unified Development Code to allow a new lot line through a structure (parking lot). The 12.92-acre property is located on the west side of Nocona Parkway, approximately 1,500 feet south of Ponderosa Street.**

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the requested major amendment #2 to the Discovery Park Subdivision Plat 4 PD Plan and approval of the design adjustment for 29-5.1(f)(3) (Lot lines over structures).

MS. LOE: Thank you, Mr. Smith. Before we move to staff questions, I would like to ask any Commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Seeing none. Are there any questions for staff? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Smith, thank you. What happens when this separate parcel gets sold and the neighboring landlords don't get along?

MR. SMITH: Well, that exactly is the concern that is meant to be addressed by the easement. So the easement does provide access to either owner to basically cross the other owner's property to access.

MR. MACMANN: And this travels with the plat then?

MR. SMITH: Correct. Yeah. The easement will be –

MR. MACMANN: I just -- just -- didn't -- sit here in 20 years, someone else sitting here going I can't park.

MR. SMITH: And the easement is a private easement. It's between those two owners, so it would become somewhat of a civil matter at that point, but that is the requirement of the UDC is that we require that an access easement in some form be applied to the site.

MR. MACMANN: I just wanted to bring it up, having seen these things -- language in court. Thank you very much.

MS. LOE: Any additional questions for staff? Seeing none, we will open the floor to public comment.

**PUBLIC HEARING OPENED**

MS. LOE: Please give your name and address for the record.

MR. WOOTEN: Good evening. I'm Tom Wooten with Anderson Engineering, 4240 Philips Farm Road is our office. I am here on behalf of the owner-applicant, and happy to answer any questions.

MS. LOE: You have learned the format well.

MR. WOOTEN: Uh-huh.

MS. LOE: Are there any questions for this speaker? I see none. Thank you.

MR. WOOTEN: Thank you.

MS. LOE: Any other speakers? I don't see any other public, so we will close the public comment period.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion? Ms. Russell?

MS. RUSSELL: I'd like to make a motion. In the case of 114-2020, I move to approve the requested major amendment number 2 to the Discovery Park Subdivision Plat 4 PD Plan, and approval of the design adjustment for 29.5.1(f)(3).

MR. MACMANN: Second.

MS. LOE: Second by Mr. MacMann. We have a motion on the floor. Any discussion on that motion? I see none. Ms. Burns, a roll call.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion carries 8-0.**

MS. BURNS: Eight to zero, motion carries.

MS. LOE: A final unanimous vote to forward recommendation to City Council. And we got wrapped up in an hour six cases. I think that's a record, Mr. Zenner.

MR. MACMANN: Madam Chair, please don't encourage Mr. Zenner.

MS. LOE: I just jinxed us, didn't I? Oh, dear.

MR. ZENNER: Did you ask for public comment.

MS. LOE: We're just moving. That closes the case, so the public can leave, so there's no public comment.

#### **VII. PUBLIC COMMENTS**

MS. LOE: Are there any additional public comments? I see none.

#### **VIII. STAFF COMMENTS**

MS. RUSSELL: Brief.

MR. ZENNER: They will be. Your next meeting is the 18th of June. We'll have to make it just as short because I'm leaving for vacation the following day. We are going to have two items on that agenda, at least for our main meeting, but we do have a work session at 5:30. The work session will consist of a presentation by Ms. Bacon and other staff as it relates to where we have been and where we hope to be heading with the comprehensive plan update. We will also be bringing forward to you a couple of suggestions as to our public engagement process for boards and commissions and the general public and stakeholders. So please be looking for that as you receive your next Planning Commission

packet. There will be some samples as a part of the work session agenda of surveying questions that we will be wanting you to comment on as a part of the work session. That will be the June 18th meeting, and then we will follow that up with a July 9 meeting, if I am not incorrect, work session for capital -- for the comp plan, as well. We want to continue to move this project forward, so as discussed at our last meeting, that will be what we will cover over the next two meetings. Ms. Bacon is gone for the second meeting in July. You may have some homework as it relates to the comp plan, but we will then come back with some other topics that we need to talk about at your second meeting in July. So your cases for the June 18th meeting, they are not nearly as meaty, and there aren't nearly as many, but we have two. We've got a rezoning request from R-1 to add. This is an anomaly. We don't normally see it going in this direction, and this is actually a piece of property that was recently rezoned, if I am not incorrect, from Ag to R-1, so we're almost flipping it back around and our newest staff member will be hopefully on the dais again to present for you. Brad did a wonderful job this evening. And then another repeat customer that we have coming back, it seems, again is On the Ninth at Old Hawthorne. This is an SOI revision that Mr. Smith has previously handled. An issue was identified after we did our last amendment, which had to deal with modifying property lines for the subdivision, and this one deals with setback requirements that were part of the original statement of intent that needed to be addressed to facilitate a change in the product line. So you're familiar with where our properties are. The North Oakland Gravel property immediately to the southeast of this is where Alpha Hart Lewis School is and Arbor Point Parkway to the southeast, and then, of course, the On the Ninth property here in Old Hawthorne. Bunker Loop is the loop, if I'm not incorrect, that we recently have dealt with and with this final statement of intent revision, we hopefully will be able to see the development of single-family homes here again. With that, that is all we have for this evening, trying to keep it short in an hour and six minutes. Anyone want to make a motion?

**IX. COMMISSIONER COMMENTS**

MS. LOE: Commissioner comments?

MS. RUSSELL: I have one.

MS. LOE: Ms. Russell?

MS. RUSSELL: I think I'm going to graduate from kindergarten and move to the main dais next meeting.

MR. ZENNER: I will take that under advisement, Ms. Russell. If Mr. Strodman doesn't mind, I will move him next to the principal and we will swap seats this way.

MR. MACMANN: I have another comment.

MS. LOE: Okay. I do, too, so Mr. MacMann?

MR. MACMANN: Just real quick to follow up on something we talked about in work session, which was the CIP. I mentioned to you all that I had been helping take input from community members, both in the City and in the County, on how to spend recovery funds, and one of the things I mentioned was daycares. And Ms. Carroll mentioned technology. The other, just to let you guys know and to keep

you up to speed and maybe to inform what Mr. Zenner and Mr. Teddy are doing. The other two elements in that were assistance for small businesses and rental assistance. So there were four major prongs. There are many smaller things, but those are the four major pillars, if you will. I just wanted to get that out there for you guys. Thanks.

MS. LOE: Any additional Commissioner comments? If not, I had one. This relates to a case that came up at the last meeting, Case 84-2020, which was an ADU and an R-1 on Greenwood. And there were some concerns raised by the public and by Ms. Burns that were also, I think, echoed by Ms. Carroll and Ms. Rushing regarding some of the use of the units. And I believe I, for one, had identified that I thought these were controlled to some extent under the regulations. I just wanted to comment that it became clear after the meeting that these were not controlled to the point that discussion may have led -- on the dais may have indicated. And in digging through my notes regarding the original discussion on the ADU, it appears to me that the intent of ADU in R-1 may not be consistent with how it was originally considered, and I -- I would like to reexamine that. I don't know if that's a redirect or -- but I think it deserves some additional consideration based on the concerns that have been brought forward with the two cases -- the two cases that have come up with R-1 so far, and with the original concerns that were raised in the commission.

MR. ZENNER: I'll let Mr. MacMann make a comment.

MR. MACMANN: Just to revisit. I don't mean to cut anyone off. I know I'm going second in this iteration. I'd like to echo the Chair's concerns and let you know that Mr. Stanton -- Mr. Stanton and I have discussed this very thing in the past. We find it problematic, so whatever it takes to revisit, I think we need to revisit.

MS. LOE: Yeah. All right.

MR. ZENNER: And if I may, and it -- Ms. Loe and I did have a conversation in relationship to this. Obviously, we've -- we've had a lot of discussion as it relates to ADUs and how they may be used in different contexts. My comments that were made at the -- during the discussion of our 507 South Greenwood request were inaccurate, and we have made that statement within the staff report as they have moved -- as it is moving forward to City Council as it relates to the fact that only one of the structures would be able to be rented. That is -- that was an infactual statement. There is no such regulation in place at this point that would restrict either structure from being able to be legally placed within the rental program, and there is nothing within the Code in general that would prohibit that from occurring. I think as Ms. Loe and I have exchanged, the difference that we have here is that ADUs in the R-1 are a conditional use. And as a part of the conditional use process, the evaluation of particular contextual criteria can be utilized as a basis for applying additional conditions, whereas when you look at ADU in the R-2 or in the R-MF zoning district, which are already multiple dwelling unit districts, the opportunity to be able to have two rental units in those environments is generally not seen as problematic because they're multi-family zones. The confusion that existed with my comments had to deal with the fact that we have discussed specifically and explicitly more recently the fact that an ADU could not be

utilized as a short-term rental in addition to a principal structure on an R-1 lot, and that is where my conflating the regulations and how they would apply came about. With that, I think what we do need to do, if it is the Commission's desire, and we will program in the discussion how we would like to approach potentially addressing the issue of ADUs in an R-1 zoning district being eligible to be rented if the principal structure on that property is being rented, which I will openly tell you at this point, I do not believe that is a discussion that we want to be having. I -- the ability to restrict a property owner's use of a supplemental structure that they have built on their property, if they are not always going to be the owner of that property, is problematic in general. An imbedded value to a home or a lot that has an ADU approved on it through a legal conditional-use process, it's transferred as a part of the sale and the sale of that property does not always constitute it to be owner occupied in perpetuity. With that being said, I'm open to discussion and a noodling of ideas as to how we may be able to try to resolve, I believe, the issue that is somewhat vexing, I think, the Commission as to honoring the intent of what the R-1 zoning district is meant to be is more of a residential, one-owner occupant type of environment and offering an ability to have a supplemental structure on the property for family or for other purposes potentially for rental, but as long as just one is the rental. I don't know how we can structure that language. I think what we need to have a discussion of, however, is amongst the Commission with a request to Council if they want us to re-engage that in a public process. So as part of a work session, I think we can discuss the issue in general, identify how we would like to and ask Council, mom and dad, for permission, hold our hearing, do whatever we need to do, and then provide it back to them to make that final decision. So that would be my course of action, and I would say that we would potentially be able to bring something like this back either at the end of July, beginning of August, somewhere in that period of time.

MS. LOE: Mr. Toohey? And then Mr. MacMann.

MR. TOOHEY: I guess the only thing I -- I have an issue with this is I feel like we've already set a precedent in allowing someone to downzone to R-1 and then allowing them to come back and request an ADU on that property, so how do we, you know, put the cat back in the bag after we've already done this?

MS. LOE: But I think that's the very reason we actually do need to reevaluate because that person that downzoned from an R-2, which allowed an ADU without restriction to an R-1, and then went through the arduous process of getting a CUP for an ADU under the belief that it would provide additional restrictions on that model versus maintaining an R-2 and just adding an ADU. So for it to not add any additional protections for the neighborhood, I think we're setting up a controversy. I mean, we're setting up a falsehood. Mr. MacMann? Sorry.

MR. MACMANN: I think I'm going where you're going. Do you want to go first?

MR. ZENNER: Well, if I may. If I may respond to that, because I think that the issue is the analysis through the CUP process of the capability, the carrying capacity and capability of the subject lot becomes a critical element of the evaluation. An ADU is restricted. It is not equivalent to a secondary full-scale dwelling unit on a property that's zoned R-1.

MR. MACMANN: It's not R-2.

MR. ZENNER: It's not R-2, and that was -- that was the point I -- in just sharing the information, that was the conversation that Ms. Loe and I shared through an e-mail string. Just because we allow an ADU, it is restricted to 75 percent of the house size. It is required to meet particular setbacks. It is required to have parking. If none of the standards are met, the fallacy that we are -- we are not controlling density or controlling impact I think is wrong. We do control impact through the regulatory structure. So to put Pandora back in the box, I don't know necessarily it is the concern. I think the concern is how to you respect what the intent of the ADU process was viewed for. Was it viewed for the opportunity for a property owner to be able to stay in their primary residence by offering an augmenting -- the use of their land through a rental unit, but not necessarily offering it for both? But I think, as my statement was made earlier, we can't control what future owners may do with that property. They may be investors, they may invest to own and rent both structures. And that's where I think we get into the -- we get into a sticky widget in the weeds as to how do you -- how do you tell somebody in the future that, oh, well, you got a conditional-use permit to be able to have your primary structure -- your primary structure, because you own it, and this secondary structure as a rental income property, but, oh, no, you can't sell it to somebody that's not going to use it the same way. I don't believe that that is our role as a governmental entity. I believe our role as a governmental entity is to ensure that the carrying capacity of the subject site to which that unit is going to be located on is sufficient to fulfill or to support it and not be incongruous with the characteristics or the character of the neighborhood in which it is in. We can't control tenure in our residential neighborhoods. We can control the impact of the building footprints and the bulk that exists on lots. And part of what we've set up within the ADU ordinance is just that, bulk controls to ensure that we are not overburdening potentially a site in relationship to others. The conditional-use process provides added leverage by which to make those determinations on a case-by-case basis in the R-1 zoning district, specifically.

MS. LOE: I don't want to get into a full-fledged discussion on this right now. I think -- I just wanted to introduce it as something I think we do need to have a full-fledged discussion on, so I don't -- unless this is simply concurrence that, yes, we do need to have this discussion, I think I'd prefer to wait until we have that discussion and all comments can actually be captured as part of that. I'm going to go to Ms. Carroll because you've already spoken, Mr. MacMann.

MR. MACMANN: Certainly.

MS. LOE: Ms. Carroll?

MS. CARROLL: Can we confirm that we're going to have a discussion on this? It sounded like that was pending Council.

MS. LOE: Do we -- yeah. So do we need to vote on that we want this added?

MR. ZENNER: No. I think somebody just needs to remind me towards the end of July, if we haven't already had it on an agenda, that it needs to get on one.

MS. LOE: All right.

MR. ZENNER: I will -- I honor what you all want. I'm just -- I'll -- I've expressed my position, but I'm open to listening to suggestions as to how we may be able to modify what we have in order to get, I think, what everybody will be comfortable with.

MS. LOE: Letting Pat have the last word tonight, with the understanding that this is a continuing discussion. All right. Mr. MacMann, any motions?

MR. MACMANN: To that end, unless my -- yes, ma'am.

MS. BURNS: I don't know if it is Mr. Strodman's last night with us. It could be. It couldn't be.

MR. ZENNER: Could be, maybe. I don't know.

MS. BURNS: Well, if it -- you know, I don't want to miss out on an opportunity to acknowledge the contributions that he has made to this Commission, both as chair and a member. I haven't always agreed with you, Rusty, but I learned a lot from you, and you treated people with respect who came in here. You ran a good meeting, and you were a great Commissioner. So I thank you for your service.

MS. LOE: And you are our institutional memory at this point. I mean, we are going to lose a couple of years with you stepping down. We are sorry to see you go.

MR. STRODTMAN: Thank you all.

#### **X. ADJOURNMENT**

MR. MACMANN: To that end, unless my fellow Commissioners have something, I move to adjourn.

MS. RUSSELL: Thank you.

MS. LOE: Is that a second, Ms. Russell?

MS. RUSSELL: Yes.

MS. LOE: Ms. Russell seconded. We are adjourned.

(The meeting was adjourned at 8:19 p.m.)

(Off the record)