

**Planning and Zoning Commission Work Session Minutes  
January 21, 2021  
Conference Room 1A & 1B - 1<sup>st</sup> Floor City Hall**

**I. Call to Order**

Commissioners Present - Burns, Carroll, Geuea Jones, Loe, Rushing, Russell, Stanton,  
and Toohey

Commissioners Absent – McMann

Staff Present – Bacon, Kelley, Palmer, Smith, Thompson, and Zenner.

**II. Introductions**

**III. Approval of Agenda**

Agenda adopted as presented unanimously.

**IV. Approval of Minutes**

January 7, 2021 work session minutes were adopted as presented unanimously.

**V. New Business**

**Work Session Topics and 2021 PZC Work Program**

Ms. Bacon introduced the topic and explained that today's session would introduce UDC text amendments relating to the Retail use category's provisions and the Permitted Use Table as a whole. She stated that work had also been done on text amendments for Accessory Commercial Kitchens, Artisan Industry, and Personal Services but those topic would be introduced at the following session if time allowed.

Ms. Bacon discussed the UDC inconsistency in that the Section 29-4.3 references *Retail, General, Small* and *Retail, General, Large* but Section 29-1.11 provides only a singular definition for *Retail, General* without clarifying text for small or large retail. Staff explained that the large retail provision was intended for big box developments. However, a lack of clarifying language created issues during site plan review. Mr. Zenner mentioned that this portion of the amendment was needed to convert departmental policy regarding a conflict into codified regulation. The existing definition referenced "no single use" and staff stated that this was intended to apply to mixed-use buildings which also needed clarification. The commission agreed to bring this item back with revisions to the intent of the mixed-use building matter.

Discussion moved to the topic of the Permitted Use Table in which Mr. Zenner elaborated on the history of Conditional Use Permits (CUPs) as a Planning and Zoning Commission item. Historically, CUPs had been a quasijudicial item acted upon by the Board of Adjustment. Switching this responsibility over to a process that relied upon a public hearing and City Council approval created the potential for politicization of requests that could otherwise be addressed through technical conditions such as use-specific standards. The Commission inquired as to

whether a use requiring a CUP could potentially disincentive development and Mr. Zenner replied that it could as developers may be hesitant to proceed with a proposal that could be politicized.

Mr. Zenner indicated that creating use-specific standards are the appropriate method by which to convert uses from “Conditional” to “Permitted” as it removes the review of vague conditions typically required of CUPS and puts in place specific conditions tailored for review of a specific use on a consistent basis. The Commission discussed the appropriate of uses requiring CUPs versus used permitted subject to use-specific standards. Mr. Teddy commented that CUPs are intended for uses that require site-specific critical review.

When reviewing the Permitted Use Table, Ms. Bacon pointed to uses, including libraries or lodge halls, which were conditional in some districts and permitted in others without use specific standards. She identified several of these as candidates for drafting use-specific standards. The Commission and staff discussed several uses, such as Halfway Houses and Residential Care Facilities, categorized under Group Living and whether or not such uses were similar enough as to condense into fewer defined uses. The general questions arising from discussion were whether these uses were inappropriately lumped together, the same thing, or correct as is.

Some Commissioners commented that there may be security concerns with some group living uses but not with others and that would be one factor in segregating uses. Others mentioned trip generation considerations that should require specific examination of each unique request. A Commissioner followed to say that many CUP requests are unique with variable factors that should be considered through the CUP process.

The Commission stated that we often regulate for the worst case scenario and that we can either deal with the problems on the front end or on the back end referring to regulation versus enforcement. There was discussion as to whether these uses were defined terms produced by another agency such as state or local regulations. Staff agreed to research these uses and consult with other divisions, such as housing, regarding these items.

Ms. Bacon noted some housekeeping items in regards to revising the Permitted Use Table. She indicated a revision fixing the mention of temporary uses; revising the text to omit C-2 as the district no longer exists; and changing the language of “Board” to “Commission” where appropriate as some weren’t changed with the adoption of the UDC.

Staff thanked the Commission for their discussion and reminded the Commission that the next work session would see introduction of draft text amendments.

## **VI. ADJOURNMENT**

Meeting adjourned approximately 6:59 pm

### **ACTION(S) TAKEN:**

Motion made by Commissioner Russell, seconded by Commissioner Rushing, to approve the agenda as submitted. Made motion by Commissioner Russell, seconded by Commissioner Rushing, to approve the January 7, 2021 work session minutes as presented.