

Planning and Zoning Commission Work Session Minutes
March 4, 2021
Conference Room 1A & 1B - 1st Floor City Hall

I. Call to Order

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

Commissioners Absent – Burns

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

II. Introductions

III. Approval of Agenda

Meeting Agenda adopted as presented unanimously.

IV. Approval of Minutes

February 18, 2021 work session minutes were adopted as presented unanimously.

V. New Business

Powers and Duties Relating to Planned Developments

Mrs. Thompson introduced the night's topic of Planned Developments (PDs). She noted that the Missouri Zoning Enabling Act allows for Planned Developments. She discussed that zoning is a matter of legislation and that subdivision actions are mostly administrative matters. When it comes to development plans of PDs, the plan (typically related to subdivision) becomes part of the zoning. Mrs. Thompson referred to a case in Kansas City in which the judiciary body ruled that an amendment to a development plan was considered a change in zoning thereby allowing a citizen to submit a protest petition in regards to the zoning change. Mr. Zenner commented on the timeliness of this discussion as several PDs have been recently discussed at Council.

Mrs. Thompson discussed the goals of PDs as described in the text of the Unified Development Code. She relayed that PDs should meet the five criteria but not necessarily meet all five. Staff and the Commission discussed some factors that may strongly support one or two goals which would make a PD appropriate even though it doesn't meet all five criteria. The Commission commented that PDs are intended to enable innovative and flexible design. Mr. Zenner noted that a significant goal of the UDC was to eliminate the necessity of PDs.

Mrs. Thompson further discussed policies for PDs including development form standards, procedures, subdivisions, and deviations. Deviations to PDs relate to three areas: use-specific standards, the dimensional table and development standards, and subdivision regulations. Requests to deviate from use-specific standards and development standards, Article 3 and 4, are considered design exceptions, which are presently undefined in the UDC, while a deviation from the subdivision regulations are considered design adjustments. She mentioned that a deviation

from Article 3 or 4 would be normally be considered a variance when a property designated was located within an open zoning district.

The Commission and staff discussed several reasons why developers may request PDs to utilize cottage-style development including political factors, neighborhood concerns, and additional oversight and restrictions that would benefit the City and neighboring property owners. The Commission noted that the new code is greenfield oriented and that PD requests reflect where code issues may lie within specific zones or uses.

Mr. Zenner brought up that the criteria and topic areas used to evaluate planning cases will be more consistent and that more onus will be put on applicants to submit information and justify requests for PDs. The Commission commented that developers often ask for too many deviations with PDs and that a scoring system or other metric may be needed to assist in evaluating the necessity of the requests. They mentioned that PDs are often a give and take in that the developer is granted some exception in return for the City received some benefit. As an example, the Commission pointed to current housing shortages and how requests may be worth it if the development results in additional housing.

Deviations from Article 3 and 4, colloquially known as Design Exceptions, and deviations from Article 5, defined as Design Adjustments, will be explicitly called out in reports and noted on plats and plans in the future. With regards to voting, Design Adjustments will require a separate vote while votes for a development plan are inclusive of design exceptions thus not requiring a separate vote. The Commission may make their vote conditional on adding or removing a design exception. It was reiterated that the Commission should clearly state their reasons for adding a condition or denying a plan for the purposes of transparency and for relaying their reasons to the applicant should they resubmit their proposal at a later date. Mr. Zenner stated that showing Design Exceptions on a plan is a new policy that will assist with establishing expectations, creating transparency, and will allow review staff to more practically ensure construction plans are reflective of development plans.

Mrs. Thompson discussed minor and major amendments to Planned Developments and noted that major amendments constitute a zoning change. Staff noted that old, undeveloped PDs often need revival through major amendments. The Commission inquired about PD expiration as it relates to zoning entitlements and development plans. Mr. Teddy stated that the purpose of PD expiration is to re-evaluate the built environment and land use context as the area surrounding an undeveloped Planned Development may have changed over time which would need a refreshed land use analysis.

The Commission commented that there needs to be more clarification and truth in advertising as it relates to old PDs and their expiration. Comments were offered that the staff often cites an expired development plan seeking a major revision as being capable of proceeding as previously approved when in fact that is not necessarily the case.

Mr. Zenner noted that he understood the point that was being made with truly expired PD plans that never commenced construction. In such instances, the only way a previously approved PD plan could be constructed as originally shown would be to obtain a new plan approval which would be subject to the current UDC standards. He; however, also stated that the underlying zoning entitlement for the PD plan area would be retained. There was discussion

on that statement and it was determined that additional research by the Law Department would be needed to verify it. There was concern expressed that since the PD plan was required to be fully approved pursuant to the current UDC's procedures it was actually a new rezoning request. Mrs. Thompson and Mr. Zenner indicated that we discuss this matter and come back to the Commission in the future.

Mr. Zenner also expressed some concern with how previously approved and partially developed PD plans that were undergoing major revisions were being evaluated. He noted that often the impacts of these partially developed projects were already felt by the adjoining development and that to apply standards potentially not applicable at the time of initial approval, but now allowed by the UDC may create undue impediments for successful completion of the project's build-out. He noted that staff is often weighing the needs of new regulatory compliance against the impacts that the proposed changes are truly creating on the built environment. He expressed a desire to have a better understanding of the expectations the Commission had for these types of projects. Obtaining a better understanding of the expectations would help staff in their evaluation and allow those expectation to be communicated to the local design community.

VI. ADJOURNMENT

Meeting adjourned approximately 6:58 pm

ACTION(S) TAKEN:

Motion made by Commissioner Russell, seconded by Commissioner Geuea Jones, to approve the agenda as submitted. Made motion by Commissioner Geauea Jones, seconded by Commissioner Carroll, to approve the February 18, 2021 work session minutes as presented.