

**Planning and Zoning Commission Work Session Minutes  
March 18, 2021  
Conference Room 1A & 1B - 1<sup>st</sup> Floor City Hall**

**I. Call to Order**

Commissioners Present – Burns, Carroll, Geuea Jones, Loe, Russell, Stanton, and Toohey  
Commissioners Absent – MacMann, Rushing  
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**

March 4, 2021 work session minutes adopted as presented unanimously.

**V. Old Business**

**Unified Development Code Text Amendment Project- Zoning**

Ms. Smith described where they were in the development of the second phases of UDC text amendments. She described the work undertaken at previous work sessions. She said they were hoping to review revisions to the proposed text amendments for retail, artisan industry, accessory commercial kitchens, personal services, office and physical fitness center this evening, and then schedule, if the Commission felt appropriate and ready, a public hearing for the April 22 meeting. The public hearing would allow public feedback on the amendments.

Ms. Smith also described where they were in terms of public input. There had been correspondence and a meeting with the Business Loop CID (representatives were in attendance) regarding artisan industry, and they had provided a letter which was included in the meeting materials. There had been some discussion with churches but there would be a bigger push to those with commercial kitchens, and other stakeholders to the various amendments, as well as the general public once there was a draft the Commission was comfortable releasing for public comment. Staff outlined the additional outreach efforts they had identified for the stakeholder groups and the typical amendment process that would incorporate comments received as a result of the outreach.

Mr. Kelley discussed information he obtained from the business license office and Health Department which had oversight in terms of inspections and regulations relating to commercial kitchens. He said many tweaks to the codes had been made so that the code regulated zoning aspects and was reflective of the regulations and conditions of the licensure and inspection components which already occur. For instance, many of the Commission and staff concerns

about too many users overusing a commercial kitchen were already addressed by the Health Department and that there was not a need to try and have zoning regulations thereof.

Mr. Kelley summarized where they were with the Artisan Industry text amendment draft, and the conversations that had occurred with the Business Loop CID Executive Director Carrie Gartner and Susan Hart.

He said following the previous work session staff had taken the comments and worked to create two classes of the artisan industry use based upon the feedback. They had looked at the spectrum of uses from those that may be appropriate in impact for the neighborhood level versus uses that at larger scales are much heavier manufacturing or industry and tried to find categories that fit the scale considerations that had also been discussed as the lens by which to consider regulations rather than mechanism characteristics. There was general discussion on the class 1 and class 2 characteristics. There was additional discussion of how the re-use of buildings, especially in the M-DT zone, could impact or be considered in the regulations.

Mr. Kelley discussed the types of criteria a conditional use permit (CUP) process could include for situations/contexts/locations or users in certain zones. A CUP would be the procedural option if an artisan industry's scale or type went beyond what was permitted in the use-specific standards. Commissioners discussed operational and other business considerations that may make something work or not work in a given context and criteria. There was discussion on how to make the rules or expectations known both for permitted users and those interested in pursuing the CUP process.

There was discussion on the scale of use and users in the various classes. The class 1 users were less likely to go the direction of heavy industry as aggregate users. Some Commissioners were concerned that the impact of several class 2 users co-locating in aggregate could have negative impacts or just really an operational model that might be a better fit for an industrial park than what was expected in the commercial zones that permit artisan industries. There was discussion on size and scale considerations that might go outside this line if exceeded by an individual user or by several aggregate users. There was discussion on using some of the parallel language used in a few other code amendments on how a single versus multiple users under one roof could be considered. There was discussion about looking at 15,000 as the line for an individual artisan, and requiring a CUP if a single user was larger, and then a max of 30,000 in aggregate. How to allocate between class 1 and class 2 was discussed, with more concern on the class 2 users. 30,000 total in aggregate class 2 was discussed as an option to consider before a CUP, which could be several small users or up to two 15,000 sq. foot users.

There was a discussion on the live-work sections of the UDC and how to look at it for comparison in determining thresholds and also how additional discussion and work on the live-work sections of the code needed to occur. While related to this discussion, Mr. Kelley said there had been conversations with the Building and Site staff and that they would like to have a more full discussion in the future as code amendments continued. Ms. Loe offered insights into some of the disconnection points between the UDC adopted in 2017 and Building Codes adopted in 2018 in terms of the live/work definition. The definitions and the standards did not align. She also discussed the overlap and disconnect with the home occupation allowance in the code, which allowed 20% of a residential space to be used for the occupation and a CUP for up to 40% in all districts of the UDC, while the building code says more than 10% of a space being

used for work purposes become subject to the live/work interpretation. She asked they look into coordinating these percentages. She said there can be a concern with such differences, especially with the consideration of how many employees are allowed in a building. Mr. Kelley concurred and said they would look at this with more depth.

There was discussion on how entrepreneurs want to know the rules and will also explore the limits of the rules.

In additional discussion on class 2 artisan industry users, it was generally supported that more than 30,000 square feet of users collectively, and more than 15,000 square feet individually, would be the line between permitted and the CUP process. There was discussion on how to include this in the use-specific standards versus the permitted use table. There was discussion on permitting larger scales without a CUP in the M-BP and IG zones. There was direction to look at other similar but more intensive users permitted in these classes to gauge the line of use between artisan industry and manufacturing/production/industrial uses. There was direction to also gain insight from existing users in various zones, such as Dogmaster Distillery and Logboat Brewery and Broadway Brewery, to see how operations were operating presently in terms of business type allocation under a single roof, gross floor area, accessory use considerations, and neighborhood compatibility issues and opportunities. Understanding users and footprints was helpful to the discussion and right-sizing scale and intensity in each zone.

Mr. Kelley outlined the accessory commercial kitchen amendments. Ms. Smith reviewed the remaining code amendments related to retail, office, personal services, and physical fitness centers. Commissioners reviewed the proposed use-specific standards which would permit personal services in the Mixed Use - Office (M-OF) zone at a certain scale. After limited discussion on these text amendments, Commissioners indicated they would like staff to make amendments based upon the evening's discussion points, and prepare drafts for additional public input. They were also comfortable with staff scheduling the April 22 public hearing based upon the feedback being included in the next draft.

Mr. Zenner said staff would proceed accordingly. He noted that the Commission would be looking at some procedural items at the next work session. He also stated that staff would begin internal discussions on the next (third) round of text amendments and identify which needed to be considered by the Commission.

## **VI. ADJOURNMENT**

Meeting adjourned approximately 6:58 pm

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

Motion made by Commissioner Russell, seconded by Commissioner Burns, to approve the agenda as submitted. Made motion by Commissioner Russell, seconded by Commissioner Toohey, to approve the March 4, 2021 work session minutes as presented.