MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: May 16, 2013
TIME: 6:30 pm

The regular meeting and public hearing of the Planning and Zoning Commission was held on the above date and time in City Council Chambers, third floor of City Hall with the following members: Matt Edwards (Chair), King Coltrin (Vice-Chair), Jay McClelland, Jim Hansen, Tom Baird, Jason Ray, and Gabrielle White; Absent: Lawhon and Young. Staff in attendance: Bob Hosmer, Principal Planner; Ralph Rognstad, Director, Nancy Yendes, City Attorney; Dawne Gardner and Martin Gugel, Public Works; Sandy Goddard, Administrative Assistant.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of May 2, 2013, were approved unanimously.

OTHER PUBLIC HEARINGS:

I. Development Review Task Force Proposals: Traffic Study, Sidewalk, Floor Area Ratio and Right-of-way issues.
Martin Gugel, Public Works Engineer

Mr. Gugel discussed the Task Force which convened in June 2012, which included members from city staff, two professional engineers, two architects and two developer representatives. The discussion focused on sidewalks and traffic studies to streamline codes to be consistent in development. There were always questions regarding floor area ratios and right of way issues. The task force offered suggestions and Public Works fine tuned the proposals for text amendments to the Zoning Ordinance and Subdivision Regulations.

Traffic Studies:

A traffic study is currently required at zoning, based on highest most intense use, and not the actual use, which provides little flexibility. Two options were proposed: Option 1: To submit a traffic study at zoning based on highest most intense use or Option 2: As part of a conditional overlay District, a traffic study would be required at the time of development based on the actual use. If uses changes in the future, it is possible that another traffic study would be required.

Commission member's questions and concerns about traffic issues. The question was asked how the traffic study related to the change in zoning, if there is a way to have an unbiased, impartial traffic study and improve the public's perception.

Mr. Gugel said option 2 is to be done in future. The developer can choose, but they are ultimately responsible for commissioning the studies. Staff would still review those studies. Mr. Gugel said there is not a way to "fudge" a traffic study. When a traffic study is done, the City compares that to the last count the City did, using a growth factor based on industry standards. If that study doesn't seem correct, additional counts can be requested. If it appears to be what is expected based on those factors, then staff can be

assured it is correct. Traffic studies are time consuming and costly and the City does not have the staff to do them so it is the responsibility of the developer.

Mr. Rognstad commented the studies are based on averages as well and how well the business operates. If a restaurant is successful then they will have more business (traffic) if not then it will have less traffic then the average use.

Mr. Edwards commented that while looking at these changes, we might look at how it is presented to the public and provide access to the information on-line. Traffic studies need to be provided with staff reports.

Mr. Gugel commented that public safety is priority; we look at being pro-economic development while protecting citizen's interests.

Mr. Hosmer asked about Planned Developments.

Mr. Gugel stated that Planned Developments are unique; they require a traffic study and at this point we will continue with that requirement.

Sidewalks:

Mr. Gugel stated that the sidewalk issue is that sidewalks can only be required at zoning and by a subdivision. Public Improvement Plans are required for sidewalks and the request for variances must go to Planning and Zoning Commission. The proposed solution is that sidewalks are required based on subdivision regulations and are no longer required at zoning, but at the time of development. A new sidewalk ordinance is being developed that would require sidewalks on new developments and not require Public Improvements Plans if other public infrastructure improvements are not part of the project. Sidewalk plans will be a part of building plans that are submitted to Building Development Services (BDS). A fee in lieu will still be an option for certain scenarios; requests for fee in lieu of, will now go to ARC for approval, saving the cost of fees required to take to Planning and Zoning Commission for approval and if ARC denies request, there will be an appeal procedure to the Planning and Zoning Commission.

Right of Way:

Mr. Gugel discussed the right of way issues and reviewed the proposed solutions. Revise the subdivision regulations to state that a dedication of right of way up to a maximum set amount based on the functional classification of the route. Remove defined right of way widths from the subdivision ordinance. Refer to the widths as given in the current Public Works Design Standards and Policies. There will be an appeal process to ARC.

Floor Area Ratios:

Mr. Gugel discussed the floor area ratio issue and reviewed the proposed solutions.

Changing the Zoning Ordinance to remove references of FAR's in all zoning districts. The requirements for FAR's in a traffic study would continue to be calculated based on the current FAR of the proposed development which would be known at the time of development. The current Zoning Ordinance has a maximum building area, bufferyards, open space, and bulk plane requirements that already limit the floor

area of a development.

II. College Street Zoning District Proposal
Bob Hosmer, Principal Planner

Mr. Hosmer discussed the West College Street District describing the intent of a mixed-use district that can accommodate a variety of residential and commercial uses. The subareas established by this section are intended to encourage an eclectic mix of businesses, artist studios, architecture and residents consistent with the adopted College Street Corridor Plan. Mr. Hosmer broke down the Districts as WC – 1, Mixed-Use Sub-Area District, WC – 2, Live/Work Sub-Area District and WC – 3, Residential Sub-Area District and the permitted uses, limitations, restrictions, and the various requirements of each.

III. Proposed Live/Work Overlay District
Moon City Creative District
Ralph Rognstad, Director, Planning Department

Mr. Rognstad reviewed the Live/Work District and Moon City Creative District as this is intended to be used in combination with any residential zoning district that permits single-family, duplex, townhouse or other types of dwelling units where the work area can be established on the first or main floor. The primary purpose of this district is to permit Live/Work Units as defined and regulated by the adopted International Building Code. Specific standards and conditions are established when a specific Live/Work Overlay District is approved. Mr. Rognstad reviewed the application and permitted uses as well as the limitations. The signage for the area is one sign may be permitted for each live/work unit. The Live/Work Overlay District will be noted on the Official Map by the base zoning district designation with the addition of "L-WO".

IV. Planning and Zoning Conflict of Interest and Rules of Procedure
Nancy Yendes, Assistant City Attorney

Nancy Yendes passed out a presentation on the rules of procedure, ethics and the sunshine law. She mentioned several rules such as when the commission may table a matter if the applicant is not present and that rule changes are to be in writing and read one meeting before they are voted on. She also stated that motions are made in the affirmative as a part of Robert's Rules. Discussion was also had on ex-parte communications with the Commission members about a case. Following a question by Bob Hosmer, Ms. Yendes told the commission that when viewing a site, if someone comes up to talk with them they should indicate that the person needs to appear at commission or write a letter and that any ex parte contact need to be reported at the public hearing on the item. The importance of all information relied on being a part of the public hearing record was emphasized. She also mentioned that applicants and neighbors have rights to contact council members directly as constituents, but do not have the same right with commission members.

The Commission members were directed to the Attorney General's top ten list which was included in the written materials. Ethical considerations of contracts and personal interests were also discussed. Items from other states such as San Diego where a newly elected appointed member's spouse's receipt of funds

from a developer was discussed. It is important to avoid the appearance of bias and conflict. The state statute was discussed as was the city ordinance, but the Commission was also reminded that its own rules require recusal if there is "some" financial interest in the item. An example would be if the person's firm would benefit from the contract. Also discussed was if someone was a materials supplier and the bid for the material had already been selected and the bid would not be awarded should the application be denied. That would be a conflict and the person should leave the room during the hearing and the vote. Members were urged to call the city attorney as well as visit the State website for the Missouri Ethics Commission.

There being no further business, the meeting was adjourned at approximately 9:15 p.m.

Bob Hosmer, AICP
Principal Planner