

Planning and Zoning Commission Work Session Minutes
March 6, 2014
Conference Room 1-B - 1st Floor City Hall

ATTENDANCE:

Commission Members Present: Burns, Lee, Loe, Reichlin, Stanton, Strodman, Tillotson, Wheeler
Commission Members Absent: Puri
Staff: MacIntyre, Smith, Teddy, Zenner
Guests: John Clark

ADJUSTMENTS TO AGENDA:

None

TOPICS DISCUSSED – New Business:

- **January 2014 Building Permit Report**

Mr. Zenner gave an overview of the permit report and asked if Commissioners had questions. Commissioner Strodman asked what a specific \$20 permit was for. He thought it could have been mis-entered into the totals. Mr. Teddy indicated it could have been for a partial permit or had a significantly understated value for the work performed, but would have to look into the permit more specifically to determine why the cost was so low. Mr. Zenner indicated that permit was for plumbing work.

Mr. Zenner noted that on the next work session agenda he would include the February permit report. Due to the discussion at the last meeting the January report was not able to be discussed.

- **Stakeholder engagement/development review process**

Mr. Zenner introduced the topic and provided an overview of the background on the types of public engagement that the staff uses in the course of preparing staff reports for the Commission's consideration. He noted that the engagement process is used for all rezoning cases, site plan approvals for "planned" districts, and annexation requests. He provided some general background on these processes and procedures in the context of the 2006 Process and Procedures report that was prepared by the Planning Commission and its former Chairman Jerry Wade. Mr. Teddy and Commissioner Wheeler commented on the 2006 report as being a work prepared with collaboration from several key stakeholders ranging from local lawyers to land developers.

Mr. Zenner spent a significant amount of time going through the "areas of change" recommended by the report. He explained that many of the recommended changes have been incorporated into the staff's work flow and into the application processing procedures. At the Commission level, Mr. Zenner identified the topics of eliminating duplicate public hearings and the establishment of "complex" vs "routine" hearing rules as things that have been implemented in the hearing process.

Mr. Zenner continued to explain that the recommendation of “increasing the capacity to participate” was another area of significant advancement since 2006. He noted that this was where the Commission was being asked to focus its attention to determine if the procedures used were actually effective in minimizing irrelevant or unnecessary dialogue at the Commission hearings. Mr. Zenner suggested that this exercise was not only important to staff, in general, but that it may also provide a basis by which the Development Codes consultants could consider changes to the “procedures” section of the new codes.

Mr. Zenner explained the specific public engagement processes used by staff related to rezoning, site plans, and annexations. He noted the steps with each project type (i.e. concept review or formal application) and time frames associated with each step. Commissioner Burns asked how the public was notified. Mr. Zenner explained that it was by postcard within 185-200 feet which included a picture of the site location and project description. Commissioner Wheeler added that HOAs within 1000 feet were also noticed. Mr. Teddy explained that the postcard was used as a cost savings measure.

Commissioner Burns also asked if the Planning public engagement (PI) meeting was like Public Works interested party (IP) meetings. Mr. Zenner responded that Planning PIs were less intense than Public Works. This was in part due to the fact that the Planning PI meetings were a prelude to a formal Commission hearing whereas Public Works IPs were normally a prelude to project designs to be approved by City Council.

Mr. Zenner noted that the purpose of the Planning PI meeting was to provide a broad overview of an application and not intended to be a public debate. Mr. Teddy indicted that this was the true intent of the Process and Procedures group. He noted that there was a firm belief among the group that if the public understood how the process worked and what was being proposed better public dialogue and preparation for the hearing could occur.

In light of this intent Mr. Zenner noted that he and his staff always try to keep meeting out of debating the merits of a case, but focused on what the proposal does. Sometime that approach works and sometimes it doesn't, he said. The applicant is normally there to answer the specific project/proposal questions; however, there should not be lobbying one position over another.

Mr. Zenner explained that a “developer public input (DPI)” process was proposed about two years earlier, but never formally implemented. The process; however, has been utilized informally on projects that are determined to have significant neighborhood impact. The intent of the DPI standards was to ensure that developers reached out to neighborhood groups prior to bringing controversial projects to the Commission. Mr. Zenner as well as Commissioner Wheeler noted that the intended effect of the DPI has been successful as evidenced by several of the recent requests considered by the Commission. Commissioner Wheeler further noted that the question if a DPI had been held or not should become a standard question on more controversial requests. He believed that if no effort had been made to seek input from neighbors on such projects they should be considered for tabling.

There was general discussion relating to this point. Several Commissioners commented that it appeared that such meetings were in the developer's best interest. Others stated that knowing that such a meeting had occurred and that the developer attempted to negotiate a solution had influenced their recent votes. Commissioner Wheeler noted that one of the reasons the DPI process was not formally implemented was due to the requirement that staff attend the meetings to make sure what was being said happened

could be verified. He noted that requiring the staff to attend such meetings, in his opinion, was asking a little more from staff than believed necessary.

Mr. Zenner suggested that verifying the accuracy of what occurred at the DPI would be self-regulating. If the developer was not accurately telling what happened it would be exposed by the residents attending the public hearing. He also noted that to formally implement the DPI process is likely not necessary considering the success that the “soft” launch has had. Staff uses its concept review meetings to let developers know when a DPI is needed. That seems to have worked effectively so far.

Mr. Zenner stated that the Commission typically has four options when dealing with projects that come before them. They can approve, approve with conditions, deny, or request tabling based on significant new information requiring additional review. It is the last of these options the Commission has not used frequently although it is within their approval powers. For those projects that seem to have not had a DPI it is possible that the Commission could request a “tabling” to permit for the desired public engagement. The Commission had discussion on this point and agreed it presented an option not previously considered.

Mr. Zenner ended his presentation by posing a question to the Commission. He asked for input on what techniques other than those mentioned would increase the capacity of the public to participate effectively in the hearing process. He indicated that there were some additional items staff was working on such as a more “interactive” website that would post application information earlier in the review process and the potential of distributing the application materials to the Planning Listserv as a way to increase engagement.

Several Commissioners noted that there would always be residents claiming that they knew nothing about a request, but did nothing to try to find out something. They noted increasing the capacity of the public to participate would be challenging and it appeared staff was doing what it could. Commissioner Burns noted that creating a pamphlet about the engagement process, similar to the one for ADUs, could be helpful. She noted that it could be available on the website. Mr. Zenner noted creating such a document is something that could be done once the code rewrite was completed. The reason one doesn’t currently exist is due to staffing levels and monetary constraints.

Mr. Zenner asked the Commissioners to consider what was presented at the work session and think of other methods for engagement. These ideas could be discussed at the next work session. Mr. Zenner also noted that Mr. MacIntyre would be discussing the public engagement process for Neighborhood Planning at the upcoming meeting.

OLD BUSINESS

No old business items discussed.

ACTION(S) TAKEN: Minutes from the February 20, 2014 meeting approved. No other votes or motions were made.

Meeting adjourned approximately 6:55 p.m.