

PLANNING COMMISSION REGULAR MEETING MINUTES

July 28, 2020

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I. Regular Meeting

Call to Order:

Pursuant to due call and notice thereof, the Regular Meeting of the Planning Commission was held on July 28, 2020. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners VanderWiel, Freeman, Reed, Schmisek, Marlow and Rivera. Also, in attendance were Senior Planner Klatt, Planner Nemcek, and Recording Specialist Bodsberg.

The Pledge of Allegiance was said.

Additions to Agenda: None.

Audience Input: None.

Consent Agenda:

- a. Approval of the June 23, 2020, Regular Meeting Minutes.
- b. Continuance of the Request by KJ Walk, Inc. for Comprehensive Plan Amendment, Rezoning, Planned Unit Development and Final Site and Building Plan, and Preliminary and Final Plat Approval (Simple Plat) associated with the Rosewood Commons hotel and senior living mixed use. (20-30-PUD, 20-35-SP, 20-36-RZ, 20-37-CP)
- c. Request by Lennar, Inc., for Final Plat Approval of Bella Vista 7th Addition. (20-40-FP)

No items were pulled for discussion. Chair Kenninger confirmed that any public comment received prior to the meeting would be included in the packet for the subsequent meeting. Commissioner Reed inquired about Bella Vista 7th Addition about concerns that arose during the review of the 6th Addition of Bella Vista, specifically questions about drainage from the development area onto adjacent properties. Senior Planner Klatt explained that no additional drainage would occur as a result of the development.

MOTION by Kenninger

Second by Schmisek

Ayes: 7. Nays: 0.

Public Hearing:

5.a. Zoning Ordinance Text Amendment to Section 11-2-15: Essential Service Facilities and 11-1-4: Definitions. (20-39-TA)

Planner Nemcek gave a summary of the staff report for the Planning Commission and reviewed the conversation that took place at the Planning Commission meeting in June.

Chair Kenninger asked to confirm that if all the work of installing a transmission facility was contained within a .5 square mile area if it would require a transmission facilities permit. Additionally, Chair Kenninger asked if the .5 square mile fell partially outside the refinery area would a permit be required. Planner Nemcek confirmed that the language of the text amendment specifies projects “within a single processing facility”. Commissioner Reed asked about the types of projects that are reviewed by the City and how would the text amendment change what staff would end up reviewing. Because FHR has likely been installing piping under the assumption a transmission facility permit was required, the text amendment will help them continue with those projects without having to go through the public hearing process.

Commissioner VanderWeil asked if there were any concerns about serial projects that industries may break projects into separate components to avoid a public hearing process. Planner Nemcek explained that could occur under the existing ordinance; although staff is unaware it is occurring.

Chair Kenninger talked about the concern that there isn’t a timeframe within the definition of a project. For instance, if they start a project in the spring and another related project in the fall, would that be considered two projects?

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Commissioner VanderWeil advised staff to consider adding a timing component into a definition. Senior Planner Klatt stated that it isn't in the owner's best interest to stagger projects as pipes are needed to move product. Planner Nemcek indicated that updating the definition of a transmission facility would allow the City to regulate more of the pipeline projects while the amendment to the threshold that would trigger a permit makes the definition change less onerous.

Public Comments: No public comments were received.

MOTION by VanderWeil to recommend the City Council adopt an amendment to Sections 11-2-15 and 11-1-4 of the Zoning Ordinance related to the Essential Services and Transmission Facilities.

Second by Freeman.

Ayes: 7. Nays: 0. Motion Passes.

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 7:06 pm.

Respectfully submitted,
Stacy Bodsberg, Recording Specialist