



## PLANNING COMMISSION MEETING

June 11, 2020

### MEETING MINUTES

**1. Invocation: Russel Bisciste**

**2. Roll Call: Angie Brown**

- a. Kim Speorl
- b. Russell Biciste
- c. Bob Sinclair- -not present
- d. David Russell
- e. Claude Peacock- not present
- f. Danny Tate
- g. Mildred Lanier
- h. Chad Hester
- i. Mayor Gary Waters
- j. Chris Nicolson (City Engineer)
- k. Angie Brown (Building Official)

Kim: Call the meeting to order at 6:03pm June 11, 2020.

Kim: All right. If you guys will next take a look at our May 14th minutes and see if you have any additions or corrections. If not, I will entertain a motion to approve the minutes.

Chad: I motion to approve the minutes.

Mildred: Second,

Kim: All right. All those in favor please say aye.

All: Aye.

Kim: Any opposed? None opposed.

Kim: We will move on to our next item which is the final plat for Panthers Path. We reviewed the outstanding items in our workshop session. I'll go over the items that have not been satisfied. The first one was the bond for the seal coat and the final paving. Chris said that they're aware of it, it just hasn't been submitted yet.



Kim: And then the next item was the covenants have been provided to the city attorney for review in the city has also suggested language regarding maintenance by the HOA of the detention ponds.

Kim: We will see lot grading and erosion control plans. They will be submitted to the building department for each lot.

Kim: There are several items that will require as-built drawings of existing infrastructure. Everything else had been taking care of.

Kim: Did I miss anything.

Kim: Angie or Chris?

Chris: I don't think so.

Kim: I think that was everything. Is the developer or the property owner for the Panthers Path final plat on the phone with us? (On the phone, but unable to connect)

Kim: Did any Commissioners have any questions about these items?

Mildred: I had a question that I had originally, but since no one is here to represent them, they can't answer.

Kim: Any other questions from Commissioners?

Kim: Alright, is there anyone from the public on the phone who has comments or questions regarding the final plat for Panthers Path subdivision?

Angie: Sheryl and Joe (are on the phone), do you have any questions.

Joe: Yes, we're on separate phones. We live on North Wildwood Drive, up there in Mayberry. Some of you may have known, we're concerned about erosion. As we go up on N. Wildwood drive, some of the neighbors have maybe, five or six feet of a backyard. It drops down a hill, and we were concerned about erosion because it is such a large scale project.

Joe: Also, Are they going to have turning lanes coming off of the highway?

Angie: Chris, do you want to tackle that one?



Chris: Sure. There will be no improvements on 261 lane structures. The way they (the lanes) are, will be the way that they are after construction. When it comes to the erosion issues and the grading, the developer and the city are very aware of how steep the slope is and how difficult is going to be to maintain. So what will happen is, as they come to the city for permitting, they'll have to give the city a grading plans for each individual site. And from that, the city will review the plan. If it's something draws attention to us, we will ask the developer for geo tech report and stamped plan from the engineer to make sure that whatever they're planning on doing will not hold any issue to any surrounding house or neighbor. The goal overall is to leave as much natural as we can. They're aware of that, and that is their goal. That's our goal as well.

Joe: Thank you, Chris. You can't build a house on the hill of course, but it could be very expensive and some of the lots look like they will have retaining walls.

Chris: Some of the houses will have a retaining wall or slopes, but I don't think from what we notice that the actual clearing for each lot will affect the backside of N. Wildwood Dr.

Joe: Yes, from that plan, which has got their overall schematic of what they want the subdivision to look like.

Chris: I don't foresee any issue. If we get notification on some individual plans, and if it requires a retaining wall that's over four feet high, we require structural engineer drawings with a stamp. So we will get all the necessary information from them to make sure those slopes stay stabilized. And we communicate that we want to keep as much natural as we can on the job site, but from the plan I don't perceive any issues.

Joe: Yeah.

Angie: The current highway will stay the way it is, right Chris?

Chris: They may just be using the shoulder right now, but it'll stay as it is now.

Kim: And that they're going to use the existing entrance to Haysberry.

Joe: There are two entrances into the Haysberry subdivision now, they're not going to build an additional entrance?

Chris: Correct. They will not build an additional entrance.

Chris: We will be kept abreast of what's going on, neighbors from N. Wildwood can always contact Angie, or I if they have questions.



Angie: Yes Joe, it's Angie. Yeah, you feel free to email Chris and I. We can try to answer any questions that you have during construction.

Chris: And just for information, the contractor is aware that during construction, they can only use Mitoba as the entrance and exit, so they won't be driving through the area. They only come in Mitoba in and out both ways.

Joe: Thank you all.

Kim: Does anyone else who has questions or comments regarding the Panthers Path proposed final plat?

Chris: The developer is on the call, but can't speak and is on mute.

Angie: Have them call the conference call line.

Angie: Okay, Danny's on the phone from Trademark.

Kim: Mildred, did you want to ask your question.

Mildred: Yes, please. I wanted to know if the homes are being built as anyone can purchase, or are you selling a lot and people will build as those lots as they are sold.

Danny from Trademark: They're looking at both scenarios, they are marketing a lot to builders and then they're also looking to build themselves. I'm not sure if they are building one or two at a time or are all at once, but they're kind of looking at both ways right now.

Mildred: Thank you.

Kim: Do any other Commissioners have questions.

Kim: And just to clarify, there's no one else on the phone from the public who would like to comment or ask any questions?

Angie: No one is on the conference line.

Kim: There's no other questions, or comments?

Kim: Is there a motion on the floor?

Kim: Would any Commissioners like to make a motion?



Danny: I make a motion to pass it.

Kim: Okay. Is there a second?

Russell: I'll second.

Kim: Okay, there's a motion on the floor to approve the Panthers path final plat and a second. All those in favor please say aye?

All: I (Mildred abstains)

Kim: Any opposed, and any abstentions.

Mildred: I abstain.

Kim: All right. That item is approved. So, we will move on to the next item on the agenda, which is the Zoning Ordinance revision for Airbnb's.

Kim: Angie gave us a presentation in our workshop session. Just a quick refresher, short term rentals will be added to the definition section of the Zoning Ordinance. They will also be added to uses that are not permitted in the residential districts. Do you guys want me to read them out loud, again, are we good?

Kim: We will add to the prohibited section of the R-1, R-2, RG, RT, RA, and then PR-1, PR-2 to PR-3. That's where (Airbnb's) they will not be permitted. And then there's also a modification to the home occupation section that would prohibit them for being a home occupation.

Kim: I think that captured all of it.

Kim: Do the Commissioners have any questions or comments about the changes and modifications to the ordinance for Airbnb's or short term rentals?

Mildred: For those who may not have been in the work session, just for clarification, Airbnb, Is the classification going to reflect all types of short term rentals, and the time-frame in the definition. Will all that be understood?



Kim: I can read the definition real quick.

Kim: The definition for short term rental use is “the use by any person of residential property for transient lodging or the term of occupancy possession or tendency of the property by the person entitled to such occupancy possession or tenancy is less than 30 consecutive calendar days.”

Kim: So anything less than 30 days, that would include Airbnb, VRBO, Home away or any of the similar websites that would not be allowed for short term rentals.

Kim: Any questions or comments from Commissioners?

Kim: All right. Would anyone like to make a motion that we recommend these changes to the city council for approval?

Mildred: I have a question. I'm sorry. Okay. Just for clarification, again, we have specific language for Airbnb and other types of short term rentals in the document. I just don't have it right in front of me.

Kim: Yes, there's a bunch.

Kim: Yeah, they're defined. Added to the definition section, the actual definition of a short term rental. And then in the any section it prohibits them from being used, and then the home occupation sections are being amended.

Kim: To not allow them to be home occupations. Sorry.

Mildred: Does that answer your question, Mildred.

Mildred: Yes, just doing for clarification.

Kim: Okay, gotcha.

Kim: All right, so there's no questions.

Kim: Would anyone like to make a motion that the Zoning Ordinance changes be recommended to the city council for approval?

Russell: I'll make the motion.

Kim: Okay.



David: Here's the second.

Kim: Okay.

Kim: Russell and David.

Kim: All right. So, all those in favor of sending to the city council with a favorable recommendation, please say aye.

All: Aye.

Kim: Any opposed, and any abstentions?

Mildred: I'll abstain because it will come before council.

Kim: Okay.

Kim: All right. And then, so the next item is somewhat similar.

Kim: It is revising the ordinance to include food trucks.

Kim: The first step was to add a definition of a food truck or a mobile food units, and it includes a "self-contained vehicle trailer or push cart that serves prepared foods or prepares and serves food and various locations of the city."

Kim: And then Angie added to the sections of the ordinance where they would be allowed in the residential areas are R-1, R-2 and RG.

Kim: And I think the question came up, do we want to include them and PR-1 and PR-2.

Kim: So we need to decide if we wanted to include those. And the food truck ordinance would limit the location and the days of the week and the time of day that the food trucks will be allowed to operate. From so they would only be allowed to operate on Friday and Saturday from 5pm to 8pm.

Kim: Homeowners Association would have to apply for the special use permit and the food trucks or mobile food vendors would only be allowed to operate in common area in one of these residential subdivisions, they would not be allowed to park on a city street or in city rights-of-way.



Kim: Did that cover it all Angie? Did I miss anything?

Angie: No, I don't think so. I think that is right. It's just the determination of the PR-1 and the PR-2, that was the question.

Kim: Any thoughts from Commissioners about including it in the PR-1 and PR-2?

Angie: My only concern was that the PUD units are kind of developed by the developer. And it's almost like we're allowing something to come in that maybe they don't want, I don't know, that's really my only concern.

Angie: I don't know that it would be a big deal. But I don't want to step on anybody's toes as far as you know them wanting it or not.

Chad: And you know, I would assume that the HOA asking for permission would cover your concern there.

Angie: I would hope. But again, I wanted to make sure that you know we were on the right track. I don't want to overstep my bounds on that one. But yes, I think that's probably true.

Kim: Yeah, I was thinking like what Chad said you know, the event has to go through the HOA as the applicant.

Kim: I would think they would have to have a meeting and be authorized to actually fill out the application. I'm not sure how many homeowners actually go to their home the HOA meetings, but I that would probably cover it, I think.

Angie: I can include them.

Kim: Is anyone opposed to including those two?

Mildred: you said, for example, Ballentrae.

Angie: Yeah, Ballentrae is a Planned Unit Development.

Angie: Now some of those areas are kind of tight anyway. But again, it has to be in a common area so it might limit the areas that they could put it anyway.

Chad Hester: They'd have to work in a parking, for example.



Kim: I would think a neighborhood like Ballentrae would love to do something like this. But, you know, maybe not. I don't know.

Kim: I know since the coronavirus there have been quite a few neighborhoods I've seen in Helena and Hoover that have actually had food trucks come out, you know, one or two nights a week since folks couldn't actually go eat at the restaurant and they've loved it so I think it's great idea.

Kim: Alright, so if no one has any issues with adding PR-1 and PR-2. Are there any questions or comments about adding the mobile food vendor food trucks to the Zoning Ordinance?

Mildred: One other follow up to our, our discussion, the difference in the number of days and things that nature will be corrected in the schedule FF ordinance, correct?

Angie: Yes.

Mildred: Great.

Kim: Yeah, is it possible Angie, when it goes to council for amending the zoning ordinance that it could at the same time to be amended?

Angie: I think that would be the way to do it anyway.

Kim: Yeah, they could be companion items on the Council agenda.

Mildred: That's great idea.

Kim: All right, and there's no other comments or questions about food trucks and the food truck addition to the Zoning Ordinance?

Kim: Is there a motion to make a recommendation to the city council.

David Russell: I make a motion that we recommend.

Danny: I second.

Kim: All right. There was a motion that we recommend approval of the addition of food trucks to the zoning ordinance to the city council. All those in favor please say aye.

All: Aye.



Kim: Any opposed in any abstentions?

Mildred: abstaining.

Kim: Right. Do we need to go over number eight Angie since we talked about it at the workshop?

Angie: It doesn't really change anything. It was really just an interpretation.

Kim: So, if you're on here with us. We just discussed what the Zoning Ordinance currently says about accessory structures and that it doesn't specifically say that an accessory structure has to be built on a concrete slab or anything like that, that it would be up to the manufacturer, depending on the size of the accessory structure, whether or not that would be necessary.

Kim: Did anyone want to say anything else about that one?

Kim: All right.

Kim: Is there any other business that needs to come before the planning commission?

Kim: Alright, Is there a motion to adjourn our meeting?

Russell: I make a motion.

Kim: Okay, who made the second? David? Okay, so David made the second motion.

Kim: All those in favor of the adjourning our meeting, please say aye.

All: aye.

Kim: All right, any opposed.

No response.

The meeting is adjourned.