

**CITY OF PHOENIX PLANNING COMMISSION
REGULAR MEETING
MONDAY, MAY 12, 2014**

I. CALL TO ORDER/ROLL CALL/INTRODUCTION: Chair Summerhays called the Planning Commission meeting to order at 6:30 p.m. In attendance were Chair Micki Summerhays, Vice Chair David Lewin, and Commissioners George “Ike” Eisenhower and Judy Grillo. There was a quorum. Staff in attendance was Interim Planning Director Laurel Samson and Assistant Planner Steffen Roenfeldt.

II. CHANGES TO THE AGENDA: NONE.

III. CONSENT CALENDAR

A. APPROVAL OF MINUTES FROM APRIL 14, 2014 – REGULAR PLANNING COMMISSION MEETING

Chair Summerhays mentioned that if a vote is not unanimous, the names should be listed.

MOVED BY COMMISSIONER GRILLO, AND SECONDED BY COMMISSIONER EISENHAUER, TO APPROVE THE MINUTES FROM APRIL 14, 2014 - REGULAR PLANNING COMMISSION MEETING WITH CHANGES: INCLUDE NAMES FOR DISSENTING VOTES AND CORRECT TYPO.

ROLL CALL VOTE AS FOLLOWS:

Ayes: 4

Nays: 0

THE MOTION WAS UNANIMOUSLY PASSED.

IV. NEW BUSINESS:

A. PUBLIC HEARING (LDC14-06): AMENDMENT TO PHOENIX LAND DEVELOPMENT CODE REGARDING PROCEDURES AND AMENDING CHAPTER 4

Public Hearing: Chair Summerhays opened the public hearing and asked if there were any conflicts of interest, ex parte contact or specific bias. There were none. Chair Summerhays turned to the planner for the Planner’s Report.

Ms. Samson explained the proposed changes to the Planning Commission. The proposed changes include: Eliminate the requirements for pre-applications for Type II applications; change procedures to meet current State Law; and add requirements to meet Trip Budget Overlay Zone requirements.

Ms. Samson said that it was not easy to put together a staff report to justify the changes since the Comprehensive Plan is hardly affected by the proposed changes.

Commissioner Lewin wanted to know if we end up with an overlay for Adult Businesses, would that be subject to Development or Site Design Review? Ms. Samson answered that there is no need to call that out in Chapter 4.2 – Development Review and Site Plan Review since it would be a commercial use which already comes to the Planning Commission as part of Site Design Review.

Chair Summerhays said that “4.7.3 – Quasi-Judicial Amendments” in the Staff Report should be changed to “A. Quasi-Judicial Amendments,” “Legislative Amendments” should be changed to “A. Legislative Amendments”, and “A. Criteria for Legislative Amendments” should be changed to “B. Criteria for Legislative Amendments.”

Chairman Summerhays closed the public hearing

Commissioners’ Deliberations: There was discussion about where public notices shall be published. The decision was to include a sentence in 4.1.6.D.2.c – Type IV Procedure

MOVED BY COMMISSIONER LEWIN TO APPROVE, WITH MODIFICATIONS, THE AMENDMENT TO PHOENIX LAND DEVELOPMENT CODE REGARDING PROCEDURES AND AMENDING CHAPTER 4. SECONDED BY COMMISSIONER EISENHAUER.

ROLL CALL VOTE AS FOLLOWS:

Ayes: 4

Nays: 0

THE MOTION WAS PASSED UNANIMOUSLY.

B. PUBLIC HEARING (LDC14-07): AMENDMENT TO PHOENIX LAND DEVELOPMENT CODE REGARDING GROUP LIVING AND ACCESSORY DWELLING, BUILDINGS AND USES AND AMENDING CHAPTER 1 AND 2.

Public Hearing: Chair Summerhays opened the public hearing and asked if there were any conflicts of interest, ex parte contact or specific bias. There were none. Chair Summerhays turned to Ms. Samson for the Planner’s Report.

Ms. Samson said this amendment focuses on Accessory Dwellings. She said that the State has very specific definitions for accessory homes, accessory uses, family child care facilities, residential group homes. These definitions will be reflected in the proposed amendments.

She also talked about the proposed changes to Setback Exceptions and Maximum Lot Coverage.

There was no other testimony. Chairman Summerhays closed the public hearing.

Commissioners' Deliberations: Commissioner Lewin stated that under 2.2.9.A it says that "the housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use." He thought that it was to the City's advantage to count anything that will increase the density because the City has all kind of commitments in terms of getting to target densities. Ms. Samson replied that she thinks this means that this allows you to go to two units when your zoning only allows you to have one unit. She thinks that in a survey those units would count toward the residential density.

Commissioner Lewin also said that there is a maximum height limit for fences of six feet. However, in Chapter 2.2.9.A.6 – Buffering it says that "a minimum 6 foot hedge or fence may be required (...)." There was discussion. The decision was to delete "minimum 6 foot" so that it reads "A hedge or fence may be required (...)."

MOVED BY COMMISSIONER GRILLO TO APPROVE, WITH MODIFICATIONS, THE AMENDMENT TO PHOENIX LAND DEVELOPMENT CODE REGARDING GROUP LIVING AND ACCESSORY DWELLING, BUILDINGS AND USES AND AMENDING CHAPTERS 1 AND 2 – FILE NUMBER LDC 14-07. SECONDED BY COMMISSIONER LEWIN.

ROLL CALL VOTE AS FOLLOWS:

Ayes: 4

Nays: 0

THE MOTION WAS PASSED UNANIMOUSLY.

C. AMENDMENT TO PHOENIX LAND DEVELOPMENT CODE REGARDING MODIFICATION PROCEDURES, AMENDING CHAPTER 4.4 AND 4.6

Public Hearing: Chair Summerhays opened the public hearing and asked if there were any conflicts of interest, ex parte contact or specific bias. There were none. Chair Summerhays turned to the Ms. Samson for the Planner's Report.

Ms. Samson said the purpose of this amendment is to clarify modification procedures. Currently, there are two possible modification procedures that are contradictory to each other. The first one is in the Conditional Use Permit section, the second one is in the general modification section. She proposed to take out the modification requirements in Chapter 4.4. – Conditional Uses and replace it with a reference to the requirements of Chapter 4.6 – Modifications. There was discussion about the proposed changes to Chapter 4.6 – Modifications.

There was no other testimony. Chairman Summerhays closed the public hearing.

Commissioners' Deliberations: The Commission discussed open space at length. Commissioner Lewin asked about the intent of Chapter 4.6.3.A.5. Chair Summerhays answered that the intent is to make it easier for an applicant to use open spaces. She said that a reduction of 25% is too high as the amount of area reserved for common open space and wants it to remain 10%. After discussion, all agreed to change the language to "a reduction of open space as long as it doesn't fall below the required open space minimum."

MOVED BY COMMISSIONER LEWIN TO APPROVE, WITH MODIFICATIONS, THE AMENDMENT TO PHOENIX LAND DEVELOPMENT CODE REGARDING MODIFICATION PROCEDURES, AMENDING CHAPTER 4.4 AND 4.6 - FILE NUMBER LDC 14-08. SECONDED BY COMMISSIONER EISENHAUER.

ROLL CALL VOTE AS FOLLOWS:

Ayes: 4

Nays: 0

THE MOTION WAS PASSED UNANIMOUSLY.

V. OLD BUSINESS: NONE

VI. WORKSHOP ON LAND DEVELOPMENT CODE REVISIONS REGARDING LANDSCAPING AND RECREATIONAL VEHICLE PADS

Assistant Planner Roennfeldt presented the current Land Development Code requirements regarding Landscaping, Fencing and RV Pads as well as proposed changes to the Planning Commission. There was discussion about possible changes to the Land Development Code.

Items discussed were: Location of RV Pads; does an RV Pad count as an access point; do minimum and maximum driveway widths apply?

Chair Summerhays proposed to revisit this issue and wants staff to look at the regulations that other cities in the valley have.

Commissioner Grillo volunteered to check with local sources to find an invasive species list for Southern Oregon. Chair Summerhays said that there is a specific list for street trees in town. However, there is no general street requirement.

The Assistant Planner continued his presentation and talked about the current regulations for residential landscaping and fencing. Commissioner Lewin wanted to know which materials would qualify as landscaping. There was discussion. Chair Summerhays proposed that we go ahead and take a look at what other cities have for residential landscaping requirements.

Chair Summerhays raised the question whether lattice on top of a fence can be higher than six feet or not. There was discussion. Ms. Samson said she will check with the

Building Official to find out if fences can be higher than 6 feet and, if so, if such a fence would require a building permit.

There was also discussion whether the maximum height for the exterior side should be treated differently. The decision was to leave this section alone.

VII. PUBLIC COMMENTS:

Debbie Stevenson, Wadsworth, OH, said that the City of Wadsworth in Ohio provides all utilities, including power, water, garbage collection, sewer, internet, cable, etc. for less than \$200 a month. During the winter months, they also use their dump trucks for snow removal.

VIII. COMMENTS FROM COMMISSIONERS:

Commissioner Lewin said regarding Home Depot's modification of an existing Site Design Review Permit and the loss of a percentage of required landscape area, he would have added that with any future modifications, they would be required to meet the landscape standards. He also said that he will be absent June 23.

Commissioner Lewin also had comments about the proposed language for the Adult Business Overlay zone as discussed in earlier meetings. He is concerned about how one measures the distance between a medical marijuana facility and a school. For example, at the "Shoppes at Exit 24," will we be measuring the distance from the closest property line to the school or are we going to the individual building and measure from there. Ms. Samson said that right now we would probably measure from the property line. But she said that will be one of the things to talk about. Chair Summerhays proposed to make a note and discuss that further at the next meeting.

Commissioner Eisenhower said that he is seeing a lot of progress at the Fern Valley Interchange construction site.

IX. PLANNING DIRECTOR'S REPORT:

Ms. Samson said that Lois DeBenedetti will be covering the office while both are gone.

She also said that Marla Cates last day with Urban Renewal will be the last day of June. She said it will be tough to find an adequate replacement for her.

The Assistant Planner said that we finally received the Building Plans for the new church on Main Street.

IX. ADJOURNMENT: Chair Summerhays adjourned the meeting at 8:29 p.m.

Micki Chair Summerhays, Chair

Matt Brinkley, Planning Director