

**CITY OF PACIFIC
PLANNING & ZONING MINUTES
January 24, 2023 at 7:00 p.m.**

Call to order: The meeting of the Planning & Zoning Commission was called to order by Commissioner Brocato at 7:01 PM on Tuesday, January 24, 2022. The Public was able to attend in person and was streamed live on the City of Pacific You-Tube channel.

Roll Call: Commissioner Flannery, Commissioner Miles, Commissioner Graham, Commissioner Brocato, Alderman Eversmeyer, Commissioner Madrigal.

Absent: Chairman Bruns, Commissioner Bates, Commissioner Koelling.

City Staff: City Administrator Roth, Community Development Director Myers, City Clerk Barfield, Community Development Clerk Wilson.

Approval of Minutes: Regular meeting on November 8, 2022.

Motion made by Commissioner Miles, seconded by Commissioner Flannery to approve. A voice vote was taken with an affirmative result. Opposed: none.

Motion made by Commissioner Miles, seconded by Commissioner Flannery for Commissioner Brocato to run the meeting in the Chair and Vice Chair's absence. A voice vote was taken with an affirmative result. Opposed: none.

Public Participation: There were no speaker cards this evening.

Public Hearing:

- a. PZ 2023-01: Text Amendment, Chapter 400, Recreational Marijuana uses. The City of Pacific is seeking a text amendment to Chapter 400 to establish provisions for Marijuana facility uses in C and M zoning districts.

Community Development Clerk Wilson read the public hearing into the record. Commissioner Brocato opened the public hearing for comments. Hearing none, Commissioner Brocato closed the public hearing.

- b. PZ 2023-02: Text Amendment, Chapter 400, Sections 400.120 and 400.130. The City of Pacific is seeking a text amendment to Chapter 400, Sections 400.120 and 400.130 to establish Restaurants, Massage Therapy

Community Development Clerk Wilson read the public hearing into the record. Commissioner Brocato opened the public hearing for comments. Hearing none, Commissioner Brocato closed the public hearing.

New Business:

- a. Consideration of PZ 2023-01. Text Amendment, Chapter 400, Recreational Marijuana uses.

Commissioner Flannery questioned if the rules were going to change at the State level and if we the Commission was going to have to come back and reapprove this with updates later on down the road. City Administrator Roth said that he was unaware of any upcoming changes that would be relative to the State law. Aldermen Eversmeyer suggested these changes need to happen, so businesses wanting to sell recreational marijuana could do so legally within the City. City Administrator Roth has reached out to Verts, our local medicinal marijuana business. They have applied for a recreational license from the State and told him they should know by February 8, 2023 if they will be allowed to sell recreational as well. Since the State law changed our ordinance has been left open to interpretation and City Administrator Roth would prefer to make it clear.

Motion made by Aldermen Eversmeyer, seconded by Commissioner Madrigal to recommend approval for PZ 2023-01. Text Amendment, Chapter 400, Recreational Marijuana uses. A roll call vote was taken with the following results: Ayes: Commissioner Flannery, Commissioner Miles, Commissioner Brocato, Alderman Eversmeyer, Commissioner Madrigal. Nays: Commissioner Graham.

- b. Consideration of PZ 2023-02. Text Amendment, Chapter 400, Restaurants, Massage Therapy and Tattoo Establishment uses

Commissioner Flannery questioned why the commission would want to remove chapter 660 from ordinance. He said it seemed pretty comprehensive with minor updates that needed done. He also wanted to know if these businesses would still need a PUD and have to come before the commission. These businesses would not need to come before the commission per City Administrator Roth unless further zoning was needed. Chapter 660 was lengthy and unnecessary according to the City Attorney and City Administrator Roth agreed. Aldermen Eversmeyer stated that getting rid of Chapter 660 would remove obstacles such as knocking on doors and takes pressure off of the City, who doesn't have a medical staff, which was part of 660. Director Myers reminded the commission that these businesses would still be under State oversight.

Motion made by Aldermen Eversmeyer, seconded by Commissioner Madrigal to recommend approval for PZ 2023-02. Text Amendment, Chapter 400, Restaurants, Massage Therapy and Tattoo Establishment uses. A roll call vote was taken with the following results: Ayes: Commissioner Miles, Commissioner Graham, Commissioner Brocato, Alderman Eversmeyer, Commissioner Madrigal, Commissioner Flannery. Nays: None.

- c. Commission meeting notices

Director Myers stated that commission packets are sent to the commissioners via email and printed packets are delivered to their address in person from a City staff member. He wanted to put the question to the commission asking if the physical copy was still needed for those who had email addresses or if the commission would prefer not to receive those any more. City Administrator Roth said to make this an individual preference for each commissioner. Commissioners who would still like a physical copy delivered are Commissioners' Miles, Graham, Madrigal, and Flannery. Commissioners

Brocato and Eversmeyer said they do not need the physical copy delivered. Director Myers said that he will email the rest of the commission to find out their preferences.

Old Business-

- a. Home Occupations text amendments

Commissioner Flannery stated that this has been discussed previously and he had questioned the 10,000 lbs. weight limit for vehicles. City Administrator Roth quoted the ordinance as written saying that if you have a home-based business, you cannot have a commercial vehicle that has a gross vehicle weight rating of 10,000 lbs. or more. He stated that the ordinance as written would prohibit delivery vehicles and larger trucks, so he questioned whether the commission approved of the current verbiage. Commissioner Flannery said that he had asked a local business owner to get his thoughts on the matter. He stated that the State registers vehicles at 6,000 lbs. and 12,000 lbs., so there is not a 10,000 lbs. licensing. He also pointed out that if you are driving a pick-up truck, but hauling a trailer with something substantial on it then the weight could possibly be over the weight limit. That would apply to boats or campers too. He understands that we want to protect our neighborhoods, but also doesn't want to penalize people who have a home business either. Commissioner Brocato agrees that 10,000 lbs. is probably a little low especially for delivers to home based businesses. She thinks 18,000 is a better number and would cover what needs to be covered. Commission Eversmeyer agreed 18,000 would be a better limit. Commission Miles wanted to verify that all vehicles would be required to be off street. Commission Flannery said that as written it does specify that.

Motion made by Commissioner Flannery, seconded by Aldermen Eversmeyer to amend verbiage of Section 400.170 of the zoning ordinance to 18,000 lbs. instead of 10,000 lbs. A voice vote was taken with an affirmative result.

Motion made by Commissioner Flannery, seconded by Commissioner Madrigal to approve the amended bill. A voice vote was taken with an affirmative result.

Committee Reports-

- a. Board of Aldermen- No report
- b. Board of Adjustments- No report
- c. City Administrator- Commission is targeting February 28, 2023 for a Planning and Zoning workshop to discuss ordinances pertaining to the Downtown District.

Adjournment

Motion made by Commissioner Flannery, seconded by Commissioner Madrigal. A voice vote was taken with an affirmative result.

Meeting adjourned at 7:30 p.m.