

**CITY OF PACIFIC
PLANNING & ZONING MINUTES
April 11, 2023 at 7:00 p.m.**

Call to order: The meeting of the Planning & Zoning Commission was called to order by Chairman Bruns at 7:00 PM on Tuesday, April 11, 2023. The Public was able to attend in person and the meeting was streamed live on the City of Pacific You-Tube channel.

Roll Call: Chairman Bruns, Commissioner Bates, Commissioner Koelling, Commissioner Miles, Commissioner Graham, Alderman Eversmeyer.

Absent: Commissioner Flannery, Commissioner Brocato, Commissioner Madrigal

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

Approval of Minutes: Regular meeting on March 14, 2023.

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

Public Participation:

Public Hearing:

- A. PZ 2023-07: The "Preliminary Plat" for Pacific Logistics Park. The applicant is seeking preliminary plat approval for a 10-lot industrial subdivision on an approximate 48-acre tract of land located along the north side of Industrial Drive with the proposed entrance being .41 mile west of Denton, Road. (Franklin County Parcel ID: 19-6-14.0-0-034-036.200 and 19-6-14.0-0-099-035.100).

Chairman Bruns read the public hearing into the record.

Staff report was given by Community Development Director Myers. The applicant has applied to rezone Lot 5 where he plans to build one building that will house two tenants. Lot 1 and Lot 11 could access the 12" public water and 10" sanitary sewer mains located along Industrial Drive. The remaining lots will require a new water and sewer mains to be extended along the east side of a new 40' roadway that would service Lots 1, 2 & 11. The new main would then cross under the new roadway and continue on the west side and then south side of the roadway as it makes a 90-degree bend to the east to serve the remaining lots. Upon review we find this to be acceptable, but after conducting a pressure test at the request of the Pacific Fire Protection District, it was determined that the watermain must be upgraded to a 12" main from the original plan of an 8" main to meet the pressure requirements of the fire department. Cochran Engineering has calculated anticipated needs for storm water control on behalf of this developer. These calculations will be verified by a separate engineering firm on behalf of the city during the final plat review process. It is our observation that the area draining into Storm Water Detention Basin "A" is relatively the same size as the area draining into Storm Water Detention Basin "B" when taking into account the watershed from neighboring property to the east. It is requested that further analysis be conducted including the watershed from this neighboring property and that "Basin A" would be increased in size accordingly. Also, consideration should be made to the drainage ditch that presently exists on the north side of industrial drive. This ditch has silted in regularly

requiring city crews to clean it out to regularly to increase its functionality. Perhaps now is the time to address the possibility if a more permanent solution to the effectiveness of this storm water drainage ditch. A landscaping and screening plan subject to Section 400.230 shall be required in connection with any new subdivision plat and upon application for all building permits issued. A detailed landscape and screening plan is requested for the entrance area at Industrial Drive and Pacific Logistics Drive at submission of a final plat. It is requested that the final plat denote placement of all street lighting. It is recommended that a sidewalk be located along at least one side of the roadway to allow future employees a safe place to walk during breaks or over the lunch hour. Connectivity has become a very desirable trait in all municipal planning and should not be ignored simply because we haven't provided for it in the past. With this fact in mind, it is also strongly recommended that an easement of at least 10' width would be provided between Lot #8 and Lot# 9 to allow for future connectivity to the common ground at the Villages at Westlake. Residents wishing to walk to or from work could have a much easier time if a walkway were to be provided there in the future.

Community Development Director Myers says that Ordinance 3332 Dated September 20, 2022 stipulated the following conditions:

- Development of the property shall reserve a minimum 50-ft forestation buffer from adjacent properties on the north and west boundary of the 40-acre tract, adjacent to existing residentially zoned and residentially used properties. The preliminary Plat shows the required 50' buffer between residential areas as requested and leaves a 4.07-acre area of common ground in the north west corner of the project.
- Development of the property shall conform to all applicable Storm Water management ordinances, codes and regulations of the City of Pacific. All projects are expected to conform to all applicable Storm Water management ordinances, codes and regulations of the City of Pacific. Calculations of anticipated storm water runoff have been made by Cochran Engineering on behalf of this developer and will be verified by a separate engineering firm on behalf of the city during the final plat review process.
- Development of the property shall include construction of fencing to screen the property from the adjacent property to the east. No reference to fencing to screen the development from the adjacent property to the east is shown on the Preliminary Plat and must be included on the final plat for passage. He had a discussion about fence placement with the engineer today. He also has questions about who would be responsible for maintaining the fence the storm basins.

This application appears to be in substantial compliance with the City's requirements, and we would recommend approval subject to the following:

- Final improvement plans (water and sanitary sewer) to be approved by the Public Works Commissioner.
- Final improvement plans (related to storm drains and water retention basins) will be reviewed by a separate qualified civil engineering firm.
- A detail of the "Landscaping and Screening" Plan will accompany the final development plan including the privacy fence to provide screening for the property to the east of the development.
- A detail of "Street Lighting" will accompany the final development plan.

- A “Sidewalk” will be provided along Pacific Logistics Drive to accommodate pedestrians and a 10’ easement between Lot #8 and Lot #9 will be discussed.

Chairman Bruns invited the developer, Dan Conway, to the podium. Dan Conway of Conway Contracting provided his name and address for the record. He states that the streetlighting plan and landscaping will be provided before final plan submission. He wanted to clarify that the fence that is along the east side of the development will be along the 40-acre tract along the road but will not be along side parcel 1 and 2. Community Development Director said that the city is envisioning it starting at Industrial Dr making a 90 degree turn before going all the way up to the north. Mr. Conway said that originally it was discussed as only being on the east side of the 40 acre parcel and that is what they agreed to. He said that they can discuss that in more detail later. Mr. Conway said that he heard you could request a waiver from the board of aldermen for the sidewalks in an industrial park. He didn’t know if it would be a good idea to have sidewalks in a light industrial park and then connect it to a residential area. He questions whether that would make sense. He said that they are planning to fine tune the storm water by having a third party check the original engineers’ plans. He feels that the current plans are accurate.

Chairman Bruns calls up the first speaker card for the evening. Dave Reincke, 1273 Sonoma Way in the Villages of Westlake. Mr. Reincke questioned whether the tree line buffer would be coniferous or deciduous. Community Development Director Myers said that the landscape design would be part of the final plat submission. Mr. Reincke said that coniferous would be green all year round and the leaves wouldn’t fall off so the residents wouldn’t have to look at the new development. Community Development Director Myers said that he understood that evergreens would be preferred. Mr. Reincke said that he has had a storm water issue for the last couple of years. The storm drain for his street is right in front of his house. The water would back up into his yard. He contacted Flower and Fendler and they said that it wasn’t their responsibility. He then contacted the street commissioner for the City of Pacific. He was told that it would be the responsibility of the Homeowner’s Association. He then called and sent emails with pictures of the issue to the HOA and didn’t receive a response back. He did have one trustee come by to look at it but wasn’t much help. He ended up digging it out himself. This is what he is worried about with the new development. He would like to know who would be responsible so that people didn’t get told it wasn’t their responsibility. He would also like to know if the drainage pond would have a berm or would the surface be level with the ground. Chairman Bruns said that is something that would need to be addressed on the final plat. Mr. Reincke said he wouldn’t want animals to burrow in and then a catastrophic event happens. Chairman Bruns said that she agrees and that outside firm was going to go over the existing plans and hopefully alleviate some of those problems.

Chairman Bruns called up the next speaker card. Larry Wallace, 1682 Westlake Ct in the Villages of Westlake. Mr. Wallace said that his property is on the very north end of the proposed development. He said his first question about a third party viewing the storm water had already been addressed. His other question was who in the city reviews the drawings (building plans). Community Development Director Myers said that the building department views all plans and that a building permit would not be issued until the development is approved. Mr. Wallace wanted to know if the engineers who were designing the development plans were the city engineers. Community Development Director Myers said that the city has used them before but not on this project. Chairman Bruns clarified that Mr. Wallace was talking about the building plans and he said yes. Chairman Bruns said that any building plans submitted to the city for permits had to be sealed plans and were reviewed by the City’s building

department. Mr. Wallace said that he wanted to make sure that whatever firm created plans was also not reviewing the plans for the city. Chairman Bruns said no. The sealed plans would be reviewed by the building department and would need to comply with all city codes.

Chairman Bruns called up the next speaker card. Gary Meadows, 2010 Highway N. Mr. Meadows asked if they were only discussing the development right now and not also the text amendment. Chairman Bruns said yes, just the development but she would hold his card for the text amendment discussion also. Mr. Meadows said that he had requested the communications from the city to the developer to see what information was being shared. He said that it was produced to him about 10 days ago. He said that conversations about independent studies were not included in anything provided to him. He was surprised to be hearing about it. He said the Board of Aldermen spent six or seven meetings discussing the possible water issue with this development. He said that one problem no one is talking about is the traffic issue that will result from this development. He stated that Candlewick already has a traffic issue that will not get any better with this development. He said that a solution to the problem is readily available here and that the developer owns the piece of land between Highway N and the new development. They could put in a road on that property for industrial traffic. He said that if this gets rushed then we would be doubling or tripling the traffic problem. He believes this is an opportunity to fix the Candlewick problem that has been ongoing for years. He would like to have the storm water plans available to the public for review in advance of this meeting so they can determine whether it makes sense or not. He would like to study it and maybe talk to a few people who are engineers to see if there are any false premises in there. He asked why we are waiting to get the study for final plat approval. He doesn't understand why it isn't being done at this point. He said that this is the most prevalent issue for Westlake and the properties to the east. He said that when this was at the Board of Aldermen that City Administrator Roth said that this issue could be resolved at the Planning and Zoning the next time around and now, we are being told that it will be resolved before the final plat approval. He believes this issue should be tabled for now until the developer collects all of the information and makes it publicly available for review. He would like for this to be done right. He goes on to say that the problem with the four acres of detention basins is that they have to be maintained. Money has to be spent maintaining these annually for the first couple of years and then every few years. He questions whether the City has any way to make the Limited Liability Company take care of them. He says that an LLC is formed to help avoid taking responsibility and liability and financial responsibility. Someone needs to make a personal commitment to guarantee financially that that is all going to be dealt with and that it's all going to be done in a way that doesn't leave us here 10 years from now saying "yeah that was a mistake, but I wasn't the one who did it". Which is what he has heard several times. He feels that there isn't enough for this committee to approve at this time. If you push this through you are putting hundreds of homes in jeopardy at this point. Chairman Bruns asked City Administrator Roth to address some of the things Mr. Meadows was commenting about from the Board of Aldermen meetings. City Administrator Roth said that procedurally we are at the preliminary plat phase and the developer is not required to submit full-blown storm water design plans or improvement plans for water and sewer, roadways and so forth. If they get through the preliminary plat hurdle, they will be required to submit those plans. He states that they had a meeting today with HR Green, which is the firm that is used for floodplain management work. They would be the firm used to review Cochran's work assuming this moves forward. He told them that if this moves forward, we have a known problem spot. We've had flooding at Continental Products, Mr. Van Allen's place. We know there is a problem. Cochran has done an evaluation of it in the past. A different office of Cochran by the way. The storm water of course has

to meet our ordinances and our engineer will determine that. He said that in his opinion we need to do even better. The basic premise says that you cannot discharge more water post development than what was existing pre-development. That is the basic standard. In this situation that is a minimum requirement that is not negotiable. They have to meet that standard. If you develop this site even if that standard is met the water will be getting there faster and may hit the stream in such a way that would contribute to more flooding. We cannot have that. He had a good conversation with HR Green about that today. If this moves forwards City Administrator Roth's suggestion is that the storm water design be subject to public hearings. There is not requirement for that but let's make that happen. Have the developers' engineers show the public what they are proposing and have the city's engineers at the meeting too, so they can discuss the plans as well. That way everyone gets to see it prior to city approval of the final plat. That is what he would propose to do. The preliminary plat is not that step in the process but absolutely he would strongly suggest that's what we do moving forward. The storm design is of critical importance, but the improvement plans can be reviewed in the same context. The actual improvement plans, the utilities, water and sewer and streets, are reviewed by the Public Works Commissioner and we use engineering assistance as needed. Robert Brueggemann, Public Works Commissioner, he does a very good job. City Administrator Roth has always been satisfied with his reviews of the water and sewer. This is water and sewer that Robert and his guys have to operate and I think he's done an excellent job in the past on that. Where we've asked for assistance in the past is more on the roadway side, making sure that the roadways meet code. There are construction standards for radiuses and cave values of slopes that we need help with and we get that when we evaluate those plans. Chairman Bruns asked if there was going to be a road that goes to this development from Highway N in the future. City Administrator Roth said that it was not in this plan. Chairman Bruns states that all traffic wanting to access this development will then have to use Industrial Dr, Denton, or Jefferson to First Street. City Administrator Roth confirmed this. He goes on to say that any truck traffic from this development would need to use those truck routes as described and not Candlewick. Commissioner Bates said that he would like to add one point to the water discussion. We need to pay attention to what direction we are discharging the water into also. He states that if you take a large amount of water that used to run off to the East and change it so it runs off to the North or South and it's going not into as large of as it used to run off into that can create a lot of problems. So even though it complies with our ordinances it could not work as well as it could have. He also points out that on the plan they are called detention ponds and not retention basins. Chairman Bruns asks Ryan Schweusguth with Cochran to come up to the podium and explain the difference between retention and detention. Mr. Schweusguth says that retention ponds are often refereed to as a wet pond where the bottom of the basin always a certain pool of five to six feet of water in it whereas detention is usually a dry basin. Once the water runs out then it can be mowed and maintained. Retentions will always hold some kind of water in it. Commissioner Bates said that detention ponds will require more maintenance because they will have to be mowed. Mr. Schweusguth says that you can run into problems with retention ponds also. If it doesn't have enough water in it then you can get grass, plants, and other aquatic life growing in it that can make them difficult to maintain. You can also have silting issues with retention.

Chairman Bruns called up the next speaker card. Anna Meadows, 2010 Highway N. Ms. Meadows states that the two main issues with this development are water and traffic. She says that getting an outside firm to consult is great, but she would hope to have that done before moving forward. Candlewick is a concern for her. The traffic study done previously showed big numbers and with new developments going in we are going to see those numbers go up with car traffic. She hopes that we can

get that addressed for the citizens because that has kind of fallen on deaf ears for some citizens. Ms. Meadows said that she knows these topics have been touched on, but she wanted to make sure they were highlighted for the board. Chairman Bruns asks City Administrator Roth when he said they could have public hearings for the water so the citizens would a chance to review that would happen before the final plat is done is that not correct? City Administrator Roth said that was correct. Chairman Bruns states that could be put in the motion, so that is has to be done before the final plat approval. She asks Ms. Meadows if that would work for her. Ms. Meadows says yes that was a big one, but she didn't want them to forget Candlewick. Chairman Bruns says she know Candlewick is a big thing and gets a lot of traffic. She goes on to say that Candlewick should not be getting any truck traffic, but we are going to have to play this out. Ms. Meadows says that she completely agrees, but would like for options to be explored.

Chairman Bruns called up the next speaker card. Karla Stewart, 2142 Smoke Signal Rd. Ms. Stewart says that if she understands correctly the city is having a separate company go over all of this and are they going to follow it all the way to the end when you get your final plat, because at Manor of Brush Creek there was stuff added that the citizens wanted and then on the preliminary plat it was on there but two months later on the final plat it wasn't there. She asks Community Development Director Myers if he will follow it all the way through to make sure that they do what they are supposed to do. Community Development Director Myers says he would defer to City Administrator Roth. City Administrator Roth says the storm water engineer would review the storm water plans and whatever conditions are put into the preliminary plat would have to be on the final plat or else it would not be approved. For example, there were conditions set in the original zoning ordinance as Community Development Director Myers mentioned in his staff report. Those conditions moved forward to this preliminary plat stage; such as the fence, the fifty-foot buffer and so forth. Whatever conditions are imposed at the preliminary plat phase would of course be required as a condition of final plat approval. Ms. Stewart said that if you read the ordinances the truck route is up Fourth St. It's not up First St, so there are two ways up out through there. Chairman Bruns said Denton Rd is being updated. Ms. Stewart said that since there are two truck routes going into the industrial area that Candlewick could be shut down and it not needed. She said that if you could get your Police Chief to do his job and get the trucks stopped out there then that would help. She said maybe if you can't get him to do his job then you need to replace him.

Chairman Bruns called up the next speaker card. Thomas Love, 211 Candlewick. Mr. Love stated that he had some questions for the developer and for the commissioners. He would like to know if the developer did a traffic impact study on what additional cars or vehicles were going to be added and if not then why not. Did the developer have any conversations with City officials about creating a new entrance off of Highway N through the new development to connect to Industrial Dr. If so he would like to hear about it. Were any of the commissioners informed about the traffic study that he performed during the last week of September and presented to the Board of Aldermen at their October 4 meeting and if so what did they think about it. Chairman Bruns stated that she had never seen his study, but would like to see a copy of it. Mr. Love said that he used a high-end game camera and spent a lot of hours counting cars. He did it for a seven-day period and the traffic on week days is between one thousand and twelve hundred cars a day. He thinks that is a bit excessive. Mr. Love says that now is the time if anyone was ever going to add another entrance to the industrial area. He claims there is no other place to put one other than north of Candlewick. He asks the commission to look at a map and

ask where are you going to go. Mr. Love says that if you are going to stop the trucks using Candlewick then you need police presence 24 hours a day to do it. He states that truck drivers do not obey signs. The only other way is to close Candlewick. That would stop the truck traffic. That would be the one sure fire way and the cheapest way. It's his opinion that unless the issues of the residents of the affected areas surrounding this development are satisfied then this planned development should not go forward. Chairman Bruns asks City Administrator Roth if he would like to address any of that. City Administrator Roth said that Community Development Director Myers has been working on this development and he has had very limited contact with the developer. As far as Candlewick goes, he thinks we should have never had a residential development built adjacent to an industrial park in which the through route goes right through the residential. There is not a solution, at least in his opinion, that makes everyone happy. There were talks a few months ago about gating that road and he heard from the industrial business owners who were opposed to that. Obviously, the Candlewick residents were mostly in favor of it. It's a classic decision for the board. It's really up to the board to determine what happens. Chairman Bruns asks Aldermen Eversmeyer if this has been discussed at the Board of Aldermen level. Aldermen Eversmeyer says that they did receive the traffic study that Mr. Love had performed. As far as building another road it has been discussed, but had not gone any further than that. He says there is no easy solution to this problem. If you could get the developer to build a road through his other piece of property, but I don't know where we stand legally to do that. The only other access to that road would be Myers Farm Rd that connects to the industrial park or can connect to the industrial park. That would be at the cost of the city and it's a long road. Mr. Myers lives out there so I don't see that as being an option as of right now. City Administrator Roth says that when we went through the rezoning there was discussions about a traffic study. This was never done, but he would recommend that a study be done. He says to study the traffic impact of this development it would be a rather simple exercise. The city could require this of the developer. If you want to study the larger traffic issues that would be a different conversation. Previously they proposals to do the work but never moved forward on it. Chairman Bruns asks if that could be part of the motion is to require the developer to have a traffic study done. City Administrator Roth says yes. City Administrator Roth says that if they are going to require that then it would probably be better to have that as a condition of the preliminary plat. You could have adjustments to the road layout. He hasn't had that conversation with the developer, but it would probably be better to do it at this point rather than later. Chairman Bruns asks if they feel it needs done then shouldn't this just be tabled. City Administrator Roth says it's up to the commission. Chairman Bruns says that she feels that should really be done. Commissioner Bates states that Candlewick has been a persistent problem and this development is only going to add to it. He says that there used to be a gate at Candlewick and it's a very simple solution. He was on the Board of Aldermen for many years and he doesn't know why they never put a gate back up, but it seems like it's long overdue. He understands that the people occupying the industrial park don't want it, but there is more than one access to the industrial park. He said that they had also discussed putting an island at the end of Candlewick to discourage tractor trailers. The focus was never on limiting car traffic it was always about truck traffic. Commissioner Koelling asks if the fire department had ever chimed in on closing down a road. Commissioner Bates said that they have but they could be given the keys to the gate to open up in case of an emergency. Commissioner Koelling says that if signage was enforced then there should be no need to have to close the road down. He says to think about the future and possible developments. LaMar Parkway has been turned into a residential street and they already have problems on Old Gray Summit Rd. He says that we need to take care of the people who are already

living in our town. He says he is for this development, but we have to figure out how to take care of these roads before we move forward and approve all of this. He would like problems to be fixed before the fact and not after.

Chairman Bruns called up the next speaker card. Jan Jones, 201 Candlewick. Ms. Jones says that they had asked for a traffic study. She wanted the aldermen to come and sit at her house all day to see what they had to put up with. The trash we put up with is horrible. Now they want to add more businesses which is going to add more traffic. She was coming home Friday night when two semis were making a right off Candlewick onto N. The first one went and the second one didn't see her coming and I ended up nose to nose with him. He is not even supposed to be there. It's dangerous. Chairman Bruns says that they agree and are hearing her. Ms Jones spoke to Mr. Conway before the meeting and she asked about the property behind them and he said that the City would approve a road there. She wants to know why. Chairman Bruns asks if a study wouldn't approve a road there and Ms. Jones said that Mr. Conway said the city wouldn't approve a road to go through those five acres. She wants to know why all of the traffic should have to come through Candlewick. She had a petition signed that Jerry Eversmeyer had given them and it came back from Mr. Roth. He contacted all of the business owners, then we were the bad guys. Their comments were it would cost us less to move than them. They don't want to work with us. They never send people down to clean up the roads even though it's their employee's trash. Something needs done. Chairman Bruns says we hear you. Chairman Bruns invites Mr. Cochran up to the podium. Mr. Cochran says they have gotten some good feedback and he will try to address some of the comments. He's been hearing talk about Candlewick for eight to nine months and he thinks they have some solutions right now. He came up with the idea about choking down Candlewick to prevent trucks even coming down Candlewick. The other is the fence and gate option to prevent any employee cars. His understanding was the city wanted to push all of the traffic from cars and trucks back down to Denton. This is a preliminary plat meeting and so with several people coming up looking for additional studies what we are looking for is preliminary approval of what we have and then we will go ahead and do the additional storm water studies and we encourage to have a third-party firm to take a look at it. We are not trying to hide anything and want to make sure everybody is at ease on this plan. Other items that were brought up is maintenance of the retention basin. Typically, these parks have a board of subdivision and trustees and they tax themselves to generate some funds to take care of what we call common area maintenance of a park. So that would be put into place and that could be put into the overall requirement for the park. Regarding a traffic study you can go ahead and do a traffic study. I'm just going to go ahead and let you know that you're going to have an additional 30-40 trucks. The city was going to do a study, but there was some construction that wasn't completed and someone mentioned that a traffic study wasn't worthwhile at the time because one of the other intersections wasn't completed and that is what I recall. City Administrator Roth says that he believes Mr. Conway is correct. We are improving the First and Osage intersection that is in design and is heading down the path of maybe even later this year or early next and of course Denton Bridge Rd is under construction now. I believe there was a desire on the part of the board to wait until those two improvements were made and then evaluate the larger issue of truck traffic throughout the city.

Chairman Bruns called up the next speaker card. Mary Dorsey, 1708 Westlake Ct. Ms. Dorsey says she has a lot of wooded area behind her home and then the farm. In the wooded area is a creek or storm runoff. The creek is on the homeowner's association property. The creek backed up into her yard and she called the city but was told she need to contact the homeowner's association. The homeowner's

association said she need to contact the city. She couldn't get anything done. Aldermen Cleeve came out and took pictures of it for which she was grateful, then someone from the homeowner's association said that she had tires and debris in the creek. She said it wasn't her land. It's very frustrating because it does come up onto her land and her neighbors had to get together and clean that out. She thinks it would be a legal issue if anyone got hurt on HOA land and told the trustee that. It is only backing up behind her house and the land that is proposed to be developed. If there are problems with run off with this development who will she go to. She needs to know who is ultimately responsible if there is a problem. She wants to go on record as saying she does not need any connectivity to the industrial park. It would be ok with her if they didn't have anybody coming through, she doesn't like that. Is there any idea about what type of business is going to be there? Chairman Bruns says that they don't know that. Ms. Dorsey says thank you for hearing her, but she doesn't want a future problem she has a current problem. Chairman Bruns asked City Administrator Roth whose creek it is that runs there, is it the homeowner's association responsibility. City Administrator Roth says he does not know in this particular instance, but says in general we have creeks, ravines, ditches, and drainages all over the city on private property. We the city have no easements, it's private property. It's a hard conversation to have sometimes with property owners because the city is not responsible for maintaining those ditches. It does fall back to the property owner to maintain those. We do try to work with people and again it can be a tough issue. If one property owner is negligent it can back up to an adjacent property and cause a problem. We can assist as much as we can but for the city to take action and go onto private property and clean out private property ditches is just not within our purview. City Administrator Roth is not aware of any city easements through the common area at this location. Someone from the audience asked if the city has a way to make land owners take care of their property if there is an issue. City Administrator Roth says yes. In a general sense, if the homeowner's association is responsible for maintaining the storm water systems. If there is an issue there then yes, we can notice the homeowner's association and let them know they need to maintain it.

Chairman Bruns called up the next speaker card. Paul Alt, 1829 Denton. Mr. Alt said that he was glad to see that the city was having a third party look over the potential basins and that they were still going through with the fifty-foot buffer on the north and the east, and the privacy fence that separates our property from this industrial property. Once concern that he has with this potential development is that they are going to end up cutting the terrace in half and then have a big drop on there. My concern is that whenever that happens it's going to erode back possibly and wash down. I know that the developer does not want that to happen on their end either because they will have to maintain their bank, but he wants it to be noted that it is a concern of his. Another concern is the Candlewick thing. This is the time to do it. There will not be another opportunity. He has been into contact with the fire department and he has an email from them that states that the fire department does not agree with putting up a gate on Candlewick Ln. They believe this will delay their emergency response of the area. Mr. Alt had emailed a copy of this to Community Development Director Myers earlier in the week. He brought copies and hand them out to the commissioners. Mr. Alt asked if anyone had asked the developer if they would be willing to put in a road from Highway N to the new development. Chairman Bruns said that they haven't gotten into that yet with the developer. Commissioner Bates asked Mr. Alt if he still has his live stock. Mr. Alt says from time to time. Commissioner Bates says that he remembers when they were discussing the Villages of Westlake that your dad went to great lengths to let everyone know that you had that live stock and that there would be times when the fragrances of nature were going to be an issue. Mr. Alt says that was also when his uncle stated that there were going to be water

issues at Westlake. He wants everyone to look back 5-10 years from now and say we did a good job with this development and this is the time to do it. Commissioner Koelling asks Mr. Alt how many feet of fence will be running along side his property. Community Development Director Myers said it's between twenty-four hundred and twenty-five hundred feet. Commissioner Koelling said that Community Development Director Myers took care of a fence when it fell onto his side. He stacked it back on their side and they threw it back onto his side and then he tossed it back onto them. He would like to know who is responsible for taking care of the fence that would run along Mr. Alt's property line. Community Development Director Myers says that the fence is on the development side of the property line and it would be their fence to maintain. They would own the fence. Community Development Director Myers says he would like to address Mr. Alt's concerns about erosion. He did have a conversation today with Ryan with Cochran who is here this evening. If we could have him come up and address the erosion issue. Ryan Schweusguth with Cochran comes up to the podium. Mr. Schweusguth said that he talked to Community Development Director Myers about the grading and how it pertains to Paul's property. They will be cutting and not holding any storm water onto Paul's property. There will also be a vegetative buffer between the road and the right away between. His fields are not going to be directly on the road. There are terraces along lots one and two. Like I said we are cutting, so lowering the elevation for our site only. The water will be running onto us and we will find a way to direct that water to either a basin, ditch, or storm sewer. He believes that once everything gets established there should not be any erosion issues. The max cut that runs along Mr. Alt's property is two to two and a half feet. Community Development Director Myers says that difference between properties would be a three to one slope. Mr. Schweusguth said yes, that the steepest slopes on the property will be a three to one. Mr. Conway comes to the podium. He wants to point out that the drawings are a 200-scale drawing by the time you reduce it so many times. All of these grey lines are spread out about three or four feet, so it looks a little bit more drastic right now but if we blew it up the terrace would not look that dramatic. The maintaining of the ditches has come up, so right now it's been predominantly unimproved farm ground so you get a lot of silt into all of the drainage ditches. So along the lots along Industrial Dr we will clean those out and redefine those. They are going to get seeded and established whereas currently with farm land it gets cultivated and creates silt where you probably have to maintain it a little bit more often. Once defined and established the maintenance should be a lot less often. We will improve along our portion of Industrial Dr. Community Development Director Myers asks Mr. Schweusguth about the roads. A question came up before the meeting from Bob Van Allen about the road leading into the development going north it will be straight shot for water to run down onto Industrial Dr. That is not the case because it will have a pitch to it that would angle the water to run off into the storm grate, correct? Mr. Schweusguth says correct. The road will be crowned, so the middle of the road will be higher than the outside of the gutter, so as water is running down the hill it is directed toward the curb line. Then we have inlets spaced throughout the road to collect the storm water. The last set of inlets are at the entrance onto Industrial Dr., so that all the water that is coming down the new road is collected in the inlets before it reaches Industrial Dr. The water collected in the inlets will go two drainage paths. The first is an 18" sewer that runs underneath Industrial Dr and the remaining water will flow east on Industrial Dr.

Chairman Bruns called up the next speaker card. Bob Van Allen, 6 Midwest Dr., Continental Products. The ditch in midwest Industrial down to the railroad tracks is not big enough. It cannot handle the water that is in it now. It looks like an awful lot of water that could be coming down into the 18' culvert, which isn't big enough, and the ditch that runs down to the creek fills up and the water can't even go through

there during heavy rains. The whole industrial park drainage system is undersized. We all know that, so there are a lot of other problems that need to be considered and he would hope that this second engineering company would take a really hard look at it. I would think it would benefit them to come out and take a look at my property and see how it's been affected. I think you guys have a good plan. I hope it will work. Now as far as Candlewick goes, I'm the only person here from the Industrial Park. Seventy percent of the employees who come to the industrial park come through Old Gray Summit Rd and LaMar Parkway. That's just a fact. That's where our labor pool is and we need to get those people in and out of the Industrial Park. We need a secondary road if indeed you close Candlewick. There isn't one person in that industrial who wouldn't have a total fit if that was ever closed without another exit to Highway N. Continental Products moved out there before there was a single house on Candlewick. I look at that as our road.

Chairman Bruns asked for final comments and Mr. Gary Meadows came back up to the podium. He mentioned that if the industrial park is going to go forward then the developer owns the property to the east that runs straight to Highway N and on the southeast corner. Is the applicant willing to use that for a roadway and is the city willing to let that happen. City Administrator Roth says that is a question for the board. The only thing we would want to do there is make sure we don't repeat the same mistake that was made with Candlewick. It would have to be designed in such a fashion that trucks cannot use it. Even with an island you may get the rogue driver who follows gps and takes that road. Mr. Meadows says he understands. If his memory is correct when he originally sun shined some documents, he believes the applicant inquired about using that as property for roadway. He believes the administration said that is a nonstarter. That seems like something that needs to be rethought. Mr. Love came back up to the podium and said they were told in a Board of Aldermen meeting that they were going to research another route and that was one of the routes. He said now he's hearing that was never any consideration. We can't help but feel we get the run around. There has to be a solution and putting another route in there is the solution that would make residents and business owners satisfied.

Chairman Bruns closed the public hearing.

- B. PZ 2023-08: Text Amendment, Chapter 405, Notice, Hearings, Fees. The City of Pacific is seeking a text amendment to Chapter 405 to establish amended procedures for providing notice to the public for hearings relating to Zoning and Land Use actions. Amendments are proposed to require the City of Pacific provide for mailed notice to landowners of record within 185 feet of property subject to public hearing; the costs of which shall be paid by the person(s) making application for the specific action requested.

Chairman Bruns read the public hearing into the record.

Staff report was given by City Administrator Roth. The current text requires the applicant to make a good faith effort to mail these letters. What is proposed is that the City of Pacific basically takes that over. We handle the mailing and access the cost of it to the applicant. The cost of the mailing is billed to the applicant. That way we have complete insurance that it gets done on time and that the notices are mailed as required by code.

Chairman Bruns called up the next speaker card. James Cleeve, 1926 Highway N. Mr. Cleeve states that in the crossed-out sections of item three in the biggest red paragraph at the end of the second line that's crossed off it says "the zoning officer shall verify the accuracy of the receipts and compliance with the ordinance". Mr. Cleeve requested that that not be stricken from the text. Chairman Bruns states that she doesn't have a problem with that.

Chairman Bruns called up the next speaker card. Gary Meadows, 2010 Highway N. Mr. Meadows had a comment on the P&Z hearing last year and how few people received notice. State law minimum requires 185'. He doesn't know why Pacific is doing the bare minimum. He believes it should be published as much as possible and that doing the bare minimum is not getting the word out. When he talked to the West Lake people, he was surprised by how many didn't know what was going on last year. He believes that if we are going to amend that statute that the distance should be greater so you have a greater chance of capturing all the people affected. He doesn't know what the correct number should be, but thinks it should be more than the minimum.

Chairman Bruns closed the public hearing.

New Business:

- A. PZ 2023-07: The "Preliminary Plat" for Pacific Logistics Park. The applicant is seeking preliminary plat approval for a 10-lot industrial subdivision on an approximate 48-acre tract of land located along the north side of Industrial Drive with the proposed entrance being .41 mile west of Denton, Road. (Franklin County Parcel ID: 19-6-14.0-0-034-036.200 and 19-6-14.0-0-099-035.100).

Commissioner Koelling says he need more information about many things. He does support this project, but needs more information before pushing it through. Aldermen Eversmeyer says that it can be tabled until their next meeting so an alternate route can be researched and discussed. Commissioner Bates says he could go along with that. He goes on to say that we need some ideas on Candlewick. There is no doubt in his mind that this is going to add to the traffic problem. He thinks there is a simple solution for the Candlewick problem. Aldermen Eversmeyer says there is nothing simple about Candlewick. He says that he has thoroughly studied this problem. He says that the gate was never in the site plan for the Candlewick subdivision. He says that if you gate it then there is no second entrance into the park, but if you provide a key to the fire department, they will have to deal with it. It's not a great solution though. It's going to slow down response time. Commissioner Bates asks what if you put an island in. Aldermen Eversmeyer says that is not going to stop the car traffic. Community Development Director Myers says that an island cannot impede first responders. Aldermen Eversmeyer says that we took East West Gateway money to improve Candlewick and Industrial Dr. There is not an easy answer to it. He doesn't want to hurt the city's chances of getting East West Gateway money in the future. He says that if a road isn't included in this project that we can't go back later and request it. It'll be too late the only other option later on would be Myers Farm Rd. and there is only a 25' easement there. Commissioner Bates says he does not see that as a viable option right now. Commissioner Koelling says Jerry is right and this needs to be continued.

Motion made by Aldermen Eversmeyer, seconded by Commissioner Koelling to table the discussion until City staff is able to talk to the developer about creating a roadway to the industrial park.

A roll call vote was taken with the following results: Ayes: Chairman Bruns, Commissioner Miles, Commissioner Graham, Commissioner Bates, Commissioner Koelling, Alderman Eversmeyer. Nays:

- B. PZ 2023-08: Text Amendment, Chapter 405, Notice, Hearings, Fees. The City of Pacific is seeking a text amendment to Chapter 405 to establish amended procedures for providing notice to the public for hearings relating to Zoning and Land Use actions. Amendments are proposed to require the City of Pacific provide for mailed notice to landowners of record within 185 feet of property subject to public hearing; the costs of which shall be paid by the person(s) making application for the specific action requested.

Aldermen Eversmeyer asks how much additional work would it be to increase the 185 feet to 250 feet. Community Development Director Myers says it depends on the location you're talking about. Sometimes in the city you have an abundance of neighbors around and it can get incredibly expensive. He goes on to say that a recent one had around 35 addresses, so it's not always 12. It really just depends on how many property owners are in the surrounding area and how large the lots are. Aldermen Eversmeyer asks what the common cost has been for the mailings. Community Development Director Myers replies that a certified letter which requires a signature cost around eight dollars per mailing. These costs are put upon the applicant whether it's a developer or a small business man. Commissioner Koelling says that he has never liked the 185 feet. He believes more people should know about things. Community Development Director Myers suggests an option of keeping it at 185 feet, but including homes on both sides of the street that fall within those 185 feet. Commissioner Koelling says where do you draw the line. He believes a radius would work better. City Administrator Roth says that if we are going to change it he thinks you need to stay with a distance. He believes it needs to be simple and easy to understand. As of right now we use the measure tool in the GIS system and measure out from the property line. If something is close, we error on the side of caution and mail them a letter. He says the general range that he sees for other communities' ranges in the 185-300 foot range. He believes that if we go to 300 feet then we will double our amount of notices in general. City Administrator Roth says that going to 300 feet will significantly raise staff time on generating the notices. Commissioner Bates says that the city used to have a wider range, but then citizens were asking why they were getting notices. He says a lot of people do not like signing for registered letters. City Administrator Roth says something else to think about is that there are different types of actions. The rezoning action is the only one he believes where state law requires the 185 foot letters. He knows a CUP does not require them. Right now we apply the same standard to anything that requires a public hearing. We could potentially say that we are going to make the standard 300 foot for rezoning, preliminary plats, and subdivisions but the lesser actions such as CUP's would be a lesser number. Community Development Director Myers said to keep in mind that these are all posted on the city website, in the *Missourian*, and on the board at the City Hall lobby.

Motion made by Aldermen Eversmeyer, seconded by Commissioner Bates to recommend approval for PZ 2023-08 with changing the 185 feet to 250 feet and keeping the verbiage "the zoning officer shall verify the accuracy of the receipts and compliance with the ordinance". A roll call vote was taken with the following results: Ayes: Commissioner Miles, Commissioner Graham, Commissioner Bates, Commissioner Koelling, Alderman Eversmeyer, Chairman Bruns. Nays:

Old Business-

None

Committee Reports-

- a. Board of Aldermen

Aldermen Eversmeyer informs the commission that the rezoning application for the property across the street from the plaza was denied by the Board of Aldermen.

- b. Board of Adjustments- No report
- c. City Administrator- No report

Adjournment

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

Meeting adjourned at 8:56 p.m.