

**CITY OF PACIFIC
PLANNING & ZONING MINUTES
June 27, 2023 at 7:00 p.m.**

Call to order: The meeting of the Planning & Zoning Commission was called to order by Chairman Bruns at 7:01 PM on Tuesday, June 27, 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 Brocato, Commissioner Graham.

Absent: Commissioner Miles

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

Approval of Minutes: Regular meeting on April 25, 2023.

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

Public Participation:

Bob VanAllen- 6 Midwest Dr. addressed the commission. Mr. VanAllen said that the water runs down Candlewick to Industrial and then into his building. He is being told that the additional water would be minimum, but any additional water is going to be catastrophic. He has talked to AJ with GBA.

AJ Gironde- 16305 Swingley Ridge Rd. AJ represents George Butler and Associates (GBA) and was hired by the city to be a third-party reviewer for this project. He spoke with Mr. VanAllen on Friday and he showed him some videos and photos from his property and what has happened there. They took a tour of Industrial and Candlewick. He believes Mr. VanAllen does have a legitimate concern about drainage at his property. It does not come from this industrial park property. It is some upstream issues that are causing his flooding right now. When he looks at this project, he says this is not going to increase his problems, but it's also not going to alleviate them either. Commissioner Koelling asked how much as a third party, did he agree with Cochran? AJ stated that he has not rerun all of the calculations from Cochran yet, but there wasn't anything that jumped off the page at him. Commissioner Bates asked what impact directly would this project be impacting businesses, such as Continental Products. AJ stated that coming down the new street, they have sufficient inlets to catch the water that will be coming down the street. He says there is a short piece at the end of the road that will flow onto Industrial Dr, but it's a small amount of water. The streets will be crowned and push the water to the edge where it will be caught in the inlets. Commissioner Bates states that we typically get three and half inches of rain an hour, two to three times a year. He wants to know if the inlets are still sufficient to catch that amount of rain. AJ stated, probably not, and that there isn't a storm drainage system that would. Commissioner Bates wanted to know if a grate across the end of the street would work. AJ stated, that amount of rain would run across the grates. He continues that most storm systems are built to handle a 10-20-year storm. Three and half inches an hour is more like an 80 year.

Bob VanAllen stated that the main thing he sees as a problem is that the center of Midwest is about eight inches higher causing the water to damn up and flow into his building. He stated the intersection is too small and a real problem. It needs to be widened and Midwest needs lowered to redirect the water.

Gary Meadow- 2010 Highway N. Mr. Meadows stated that when the property was rezoned a 50-foot barrier was listed as a condition of the rezoning to the north and west. He says that has been left off the plan. He is suggesting that it be readded. He continued that in the past, the developer has stated that no new water run off will be created from this project. The storm water study provided a lot of data, but no summary sheet stating that is will create no net increase. He states that the covenants and restrictions include no obligation for the future buyers to have to do anything and it gives them the power to do things, but doesn't require it. It also states that once the last lot is sold, they have no responsibility there including the common ground. No one will own the common ground except maybe an owner's association that they can form, but don't have to form. There is no talk of maintenance for detention basins. He states that they for some reason say this is zoned M1 and M2, light and heavy industrial. He thinks they used this document for another project and they are now revising it and using it for this one, but it needs more things to protect the city and citizens.

Shelly Horvath- 1642 Westlake Ct. She purchased her home in Westlake less than a year ago and had no idea they would be building industrial behind us. She states that she has a problem with a "swale" that doesn't work. She says it always has water in it. She is worried about where the water is going to flow and whether it will add more to her standing water issue. She is also worried about what kind of chemicals will be leaching off of there and she just wants to live in peace. She wouldn't have bought there if she had known this plan. She really wants the 50-foot buffer so she can sit out on her back deck.

Joe Feldman- 530A Independence. He is the engineer from Cochran representing the Pacific Logistics Park. He wants everyone to know that now that the preliminary plat was approved that Cochran is developing. The final plat is based off of the city's ordinances. They have been working with the third-party engineers and have already received initial comments from them and they are certain they can address all of those comments. They are speaking with city staff about the existing storm water issues on Industrial Dr. The water coming off of our site we will be over detaining, so we can say with confidence we are sending less water in that direction.

Election of Officers: Postponed election until all spots on the commission are filled.

Old Business: None

New Business:

- a. PZ 2023-11: Text Amendment, Chapter 405, Planning and Zoning Commission. The City of Pacific is seeking a text amendment to Chapter 405 to establish an amended composition of the Planning and Zoning Commission. The amendment proposes to reduce the nine (9) citizen members to eight (8) citizen members and eliminating a member of the Board of Aldermen.

City Administrator Roth gave a staff report. It's a simple amendment. Currently the code requires nine members and one of those members is a member of the Board of Aldermen. The board has recommended an amendment to you in which the Aldermen is eliminated and would no longer be a voting member of the commission, which would drop the commission to eight-members. The Board of Aldermen was unanimous in moving this forward as the version you see tonight. He stated his personal opinion was in his staff report. His preference is different than what is suggested here, however it is what the board wants and so staff would recommend it for approval. Chairman Bruns inquired whether they would still have a board liaison. Aldermen Lesh stated they would still have a board liaison attending meetings and reporting back to the Board of Aldermen. Chairman Bruns states that with eight commissioners there is a possibility for a tie. Community Development Director Myers stated he checked with the city attorney and he commented back that in the event of a tie, the motion would fail. Commissioner Brocato stated that she is not happy with it just failing. She thinks that if it's something that important, and has split the votes, then it needs to be voted down and not just declared failed. It needs a decision. Community Development Director Myers stated the way around it

is an odd number membership. Chairman Bruns stated that this committee has not had a problem with attendance and asks what the commissioners think about a seven-member commission. She points out that there are some Aldermen, and the Mayor in attendance this evening, and asks what their opinions are. Mayor Filley states she thinks an odd number is best. Whether that is seven or nine, that is up to the discretion of the commission. She thinks it's always good to have an odd number in case of close votes. Commissioner Koelling asks that if they go to seven and it doesn't work out can they change it again. Mayor Filley stated that the ordinance could be recommended for change later if necessary. Chairman Bruns states that there must have been a reason for wanting to change the voting of the Aldermen member of the commission. She asks the attending Aldermen if there was a reason behind it. Aldermen Lesh states that Roth provided them with the recommended language from the board and he wants them to make a recommendation back to the Aldermen for them to deliberate at their meeting. Commissioner Bates says that he thinks it would be fair to hear the motivation behind the wanted change. He stated that none of the commissioners requested this to be put on the agenda. Mayor Filley states that she will defer to the Aldermen. Aldermen Lesh stated that looking through the ordinances for committees there were a lot of inconsistencies as to membership, liaisons, and Aldermen representatives in general. He states that they have a consensus right not that Aldermen should not be voting on committees. They would have the role as liaison and communicate messages between the board and the committee. Basically, the eyes and ears of the committees. With that they don't vote and they don't participate. They are there to answer your questions. Commissioner Brocato questions what he means by participate. He states they shouldn't participate in discussions. Commissioner Brocato asks if they can answer questions. He says yes, they can answer questions, but not participate in the debating the merits of a certain discussion. Aldermen Lesh goes on to say that they want to clean up the definition of what a liaison is to all committees and to make sure that there was an Aldermen liaison on all committees and with Planning and Zoning you guys were the exception. This was the only committee left where they had a vote. With that Attorney Jones told them a text amendment had to come before the Planning and Zoning commission. Commissioner Bates states that he remembers why there was a voting Aldermen and it's because of the gravity of what happens at this board, because its people investing in the city, in some cases potentially millions of dollars, that warranted the fact for someone who was an elected official to be a voting member. That's the other side of the argument. Aldermen Lesh says that what he just said is reflected in the State statute. It gives class four cities the ability to create a planning and zoning commission that consists of anywhere from five to fifteen members. One of those members can be the Mayor, if the Mayor so chooses, and the Board of Aldermen can also be a member of the board. What you are saying is absolutely right and every city gets to determine the makeup of their Planning and Zoning Commission. Chairman Bruns asks what the general consensus is and suggests that this can be tabled until they have more members present. Commissioner Bates states he thinks it's a very important matter and doesn't want to take it lightly. Commissioner Koelling said that time to think about how they would like this to roll would be good. He likes having the Aldermen liaison. He thinks that sometimes having the Aldermen able to vote sometimes can sway the commission. Chairman Bruns states that the only problem with waiting to make a decision is that they need to know how many appointments to make to the commission. Mayor Filley states that she has had a few requests to be appointed to the commission, but needs to know how many appointments she has before making the decision. She would hate to appoint someone and then the board gets reduced and now they have to tell someone they have to be removed. Commissioner Koelling says that he ok with eight. He states that at any given time someone could be absent and you could wind up with a tie. Commissioner Brocato says that she disagrees. She thinks an odd number is what they need, but if it's the consensus it's the consensus. Chairman Bruns states she likes seven with an Aldermen liaison. She asks City Administrator Roth if that could be written that way. He says yes. Their recommendation will be forwarded to the board for sure.

Motion made by Commissioner Brocato, seconded by Commissioner Koelling to recommend a text amendment for the commission to have seven members and one nonvoting Aldermen liaison. A voice vote was taken with an affirmative result. Opposed: none.

- b. PZ2023-12: Storm Water Plan / Final Site Plan Review for Phase 1 – Pacific Logistics Park industrial development located at the proposed Pacific Logistics Drive off Industrial Drive. Lots 1, 2 & 11 of the proposed development. (Franklin County Parcel # 19-6-14.0-0-034-036.200)

Chairman Bruns asked if this was posted. Community Development Director Myers stated that it didn't have to be posted, but a courtesy letter was mailed to all land owners within 250 feet. He wants to make it clear that this property is zoned M1. Not M1 and M2. If there was some type of typo presented to us, he wants it made clear, is it strictly M1. He states that the developer has chosen to only go after Phase 1 right now for final plan approval. They want to get the project started and they have analyzed the storm drain for the entire property because it has to be taken into consideration that way. The lower eight acre is phase one consisting of Lot 1, 2, and 11. This would bring the street up to the forty acres, but not beyond. That is what the representative from Cochran, Joe Feldman, will be addressing this evening. The storm drain would be factoring in everything. On May 2, the Board of Aldermen approved the preliminary plat that included this phase 1. This approval was subject to the following conditions being met by the developer. Maintenance responsibility for common ground areas to be clearly provided for in the Final Plat documents. A draft of the "Covenants and Restrictions" document is included in the Planning & Zoning Packet. This is just a draft and the final will be presented to the Board of Aldermen before they vote. Development of the property shall include construction of a sight-proof fence along the east property boundary. The developer has agreed to placement of a "sight proof fence" along the eastern boundary property. This 6' fence will be installed at the developer's expense and is noted on the Site/Utility Plan for Phase 1. Chairman Bruns asks if the fence would solve the problem for the woman who spoke earlier. Director Myers responded "no that this is on the eastern portion not the north". What you are talking about is the fifty-foot buffer, and while there may not be a note on a drawing or two the fifty-foot buffer has never been removed from the plan. It does exist. Development of the property shall be in conformance with the City of Pacific stormwater management ordinances and regulations. The developers engineer (Cochran) is here tonight to address it and Pacific's third-party engineer (A.J. Girondo with GBA) have communicated several times during the course of preparation of the site plan to assure the plan meets or exceeds Pacific's Codes and Ordinances for stormwater management. These communications are ongoing at this time and a full presentation will be presented to the Planning & Zoning Commission tonight with full agreement expected by the time the Board of Aldermen gives final approval. They felt that for tonight that agreement did not need to be solidified. Developer shall provide a traffic study estimating the new traffic volumes to be created as a result of the development. The developer hired the engineering firm of CBB Transportation Engineers and they did create a "Trip Generation Memo" that provides the expected increase in traffic as generated by the proposed industrial development. This document is attached in your packet. The Water and Sewer Utilities plan have been submitted and reviewed by A. J. Girondo III PE. and Pacific's Public Works Commissioner. At the time, no suggested changes to the plan are significant enough to prevent passage of the final site plan for Phase 1 of the development. Both Mr. Feldman and Mr. Girondo are here tonight to address any questions you may have. For storm water Cochran Engineering has calculated anticipated needs for storm water control on behalf of this developer. These calculations have been verified by A.J. Girondo with the engineering firm of George Butler Associates (GBA) on behalf of the city. Both Mr. Feldman and Mr. Girondo are in attendance to address any questions you may have. The only landscaping required for Phase 1 will be in the design of the entrance monument signage. The draft was in the packet for your review.

It would have some evergreen behind it and a floral type arrangement in the front. In lighting the developer has been in communication with Ameren regarding their specifications of street lighting. The site plan calls for three street lights in that one section where there is 250 feet of road which falls within our code. The developer has included a 4' wide sidewalk along the western side of Pacific Logistics Park Drive for the Phase 1 portion of the development. Phase 2 also includes a sidewalk. The developer has incorporating items discussed and approved during the preliminary plat process. This final plat has been reviewed by the Publics Works Commissioner Robert Brueggemann, A.J. Girondo PE. and this reviewer and has been found to be in substantial compliance with the City's requirements, and we would recommend approval subject to the following items. Final improvement plans (water and sanitary sewer) will be formally approved by the Public Works Commissioner and the engineering firm of George Butler and Associates (GBA) prior to the Board of Aldermen vote. Final improvement plans (related to storm drains and water retention basins) will be formally approved as well. Commissioner Bates states that when they went over the preliminary plat for this, we did have a full group of people voting here. He believes that every voting member voted that we needed to do something about the traffic and that it wouldn't flow out Candlewick. The recommendation from this board was to restore the gate on Candlewick. This plan came back with nothing. His understanding is that there was no discussion at the board level. He needs to know why and he needs to know what is going to be done instead. Chairman Bruns agrees. She says to add the number of cars that are going to be added and then goes on to say that at certain times of the day some people cannot access their driveways. They will not let them in to their driveway. Commissioner Bates says it is a dangerous situation. He says they have had at least one business owner say that his people needed to ingress and egress that way, but no they don't. That doesn't move him at all. The safety of the people living in those neighborhoods does. There are perfectly adequate ways to get into the industrial park without having to fly in and out of Candlewick and up and down Highway N. Chairman Bruns says something has to be done about this. They sent it to the board and in her opinion, they should table this until that's been addressed. Commissioner Bates says they cannot put that much more traffic on Candlewick. Commissioner Koelling states he's talked to Steve Myers before about the problems at LaMar Parkway and Old Gray Summit Rd. There is so much traffic there and he worries there is going to be a bad accident there. Commissioner Brocato says she agrees the traffic on Candlewick is a problem, but asks isn't that a different issue than this gentleman's plan. Chairman Bruns states that they had submitted to the Board of Aldermen for them to look at a gate. Commissioner Brocato says yes, she understands, but they are two different issues. Commissioner Bates states that she's not really wrong, but where do they take the stand. Commissioner Brocato says it's not really this gentlemen's fault. Commissioner Bates agrees and he wants to see this development go in. There has got to be a good answer and he knows that there is one. Commissioner Brocato says they shouldn't hold this gentleman up. They shouldn't hold him hostage. Commissioner Koelling says he want to see this business happen, but he does want to take care of everything along the line. He doesn't want to come back and say boy that was a mistake. Chairman Bruns says it will just keep getting kicked down the road. Commissioner Brocato disagrees. Commissioner Graham states that at one point there was talk about putting in a three way stop at Highway N and Old Gray Summit and Old Gray Summit and Lamar. What happened to that? Commissioner Bates states these are our friends, and our families and our neighbors. We can do both of these things and make it work. Commissioner Brocato agrees that they can, but doesn't feel that they should hold up a project because of Candlewick. She can't say it enough times, Candlewicks a mess and it has been for how many years now. Hold this gentleman up with his development because we are not happy with Candlewick, I don't think is very fair. Commissioner Bates says they don't want to add more traffic onto Candlewick. Chairman Bruns asks if the commission would like to hear the storm water presentations or are we going to table this until we can get a resolution to some of these traffic issues before we proceed. Chairman Bruns suggests table

it or nothing is going to get done about the traffic issue. Commissioner Koelling says he agrees. Commissioner Bates says unless staff or the elected officials have a plan. City Administrator Roth states he can address that at least in part. The developer has offered to donate land for that roadway across a section of their property and we have looked at that. There has been limited discussions with the board over it and really nothing further at this point. Commissioner Bates says he guesses the gate is a hard no since it didn't even rate to discuss at the board level. City Administrator Roth says the board never took any action, but that he is not the right person to answer that. Commissioner Bates asks if there was a conversation. City Administrator Roth says that he doesn't think so, but he doesn't really recall. There was a lot of public comment at one of those meetings right after the initial preliminary plat. So certainly, there was some discussion. I can tell you that we as staff never drafted a resolution to close Candlewick. City Administrator Roth states it was in the meeting packet. Aldermen Meadow states she moved for it to be added to the agenda. Mayor Filley states that it was not on the agenda, but it was in Mr. Roth's report so there was opportunity under that line item on the agenda if anyone had any questions or for discussion. Chairman Bruns states we have got to resolve these issues. There has got to be a resolution to this. Aldermen Meadows states that she actually tried to amend the agenda, but it was voted down. Commissioner Bates asks by your fellow Aldermen and she says yes. Commissioner Koelling asks if they build a new road where does it come out. On Highway N. Because that is not solving the problem. It would solve the Candlewick. Chairman Bruns says not necessarily. Commission Koelling says yes not necessarily since the road would still be open, but it we are talking problems down N and Old Gray Summit. This is something that really needs to be looked at. Chairman Bruns asks when Denton Rd will be opened back up. City Administrator Roth states they were pouring concrete for the roadway today. The contract time was mid-July and he is meeting with the contract manager tomorrow morning. It's coming along. Chairman Bruns says so they have three to four weeks before it opens back up. She says if we table it, it will get looked at, but if we don't it's going to keep going down the road.

Motion made by Commissioner Bates, seconded by Commissioner Koelling to table at this time with the recommendation that we either reinstate the gate on Candlewick or come up with a better plan to alleviate the traffic and we need to see that as part of the traffic management plan with this plan. A roll call vote was taken with the following results: Ayes: Commissioner Graham, Commissioner Bates, Commissioner Koelling, Chairman Bruns. Nays: Commissioner Brocato

Commissioner Koelling states that this comment is not directed at any one person, but he got his packet, Steve delivered it, and he gets it Friday night. There is so much to it, he doesn't know if it's just him, but sometimes you have a busy weekend like we had in Pacific this weekend. If there's any way, we could get some of this information sooner, he doesn't know how that works on your end but it seems like they just have to whistle through this stuff and there's so much to it. He says maybe this is the way it's got to be but there is quite a bit and some of it it did look like he needed a lawyer to go through some of the things they are talking about and an engineering firm can work on this for months and he's trying to make a decision in a day and a half. It's just a comment and not directed at any one person. Sometimes it would be nice if he had at least a week to look at it. Chairman Bruns states that this was a little bit more intensive packet and she knows his (Steve Myers) work load is such that it takes time to do. Community Development Director Myers says that he is not alone in his sentiment. He knows that they've heard these types of comments from the Board of Aldermen before. We have all of this information that is funneling down and then Friday morning you put these packets together to get them out. Sometimes it's very last-minute information that goes in there that we were waiting for. Our City Administrator does a great job of getting those packets together and the Board of Aldermen have a tremendous load to go through, much more than these meetings or the Board of Adjustment. If there was a

way to do it a week in advance it would sure make it nicer for you but he doesn't know how to do that and get you the latest, updated versions of what is taking place.

Committee Reports-

- a. Board of Aldermen-

Community Development Director Myers says he doesn't know if it's prudent, or if it's even too late since it's been tabled, but to ask the developer if there is any reason why they couldn't have the water presentation later. Did it have to be given tonight. Joe Feldmann says it's up to the board.

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

Adjournment

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

Meeting adjourned at 8:07 p.m.