

**City of Leawood
Planning Commission Work Session
August 11, 2020**

Planning Commission Members in Attendance: Belzer, Elkins, Coleman, Block, McGurren, Hunter, Stevens, Peterson, Hoyt

Staff in Attendance: Ross Kurtz, IT; Ricky Sanchez, Planning; Grant Lang, Planning; Marcy Knight, Legal; Richard Coleman, Community Development

Chairman Elkins: I'll make a short recognition of the circumstances we find ourselves in today.

MEETING STATEMENT:

To reduce the likelihood of the spread of COVID-19 and to comply with social distancing recommendations, this meeting of the Leawood Planning Commission is being conducted using the Zoom media format, with some of the commissioners appearing remotely. The meeting is being livestreamed on YouTube and the public can access the livestream by going to www.leawood.org for the live link.

Electronic copies of tonight's agenda are available on the City's website at www.Leawood.org under Government / Planning Commission / Agendas and Minutes. Because this meeting is being live-streamed, all parties must state their name and title each time they speak. This will ensure an accurate record and make it clear for those listening only. This applies to all commissioners, staff, applicants and members of the public who may speak. All motions must be stated clearly. After each motion is made and seconded, a roll call vote will be taken. The Chair or staff will announce whether the motion carried and the count of the vote. Reminder, please mute all microphones when you are not speaking. Thank you.

Chairman Elkins: Is there a motion from the floor to suspend the rules so we can proceed with the work session by Zoom?

A motion to suspend the rules for the meeting was made by Coleman; seconded by Belzer. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Peterson, Hoyt, Belzer, Hunter, Coleman, Block, and Stevens.

Chairman Elkins: We'll proceed to the business of the work session as presented in the agenda presented by staff.

Mr. Sanchez: Staff wants to clarify that an updated agenda was put on the website and sent to the commissioners today to add impact-resistant shingles. The topics of discussion are Home Occupancy, Regulations in Leawood as part of talks that have occurred with

Governing body with regard to LDO (Leawood Development Ordinance) requirements, Impact-Resistant Shingles, and possible LDO amendments.

Home Occupancy

Mr. Sanchez: With the COVID pandemic, Governing Body is requesting that staff and Planning Commission read the requirements for home occupancy and see if there are any changes that are deemed necessary. Beyond the effects of the pandemic, we want long-term solutions as well. Within the Home Occupancy section of the LDO, Section 16-4-10, there are many requirements. Appearance of the house cannot include signage. The use being allowed cannot generate additional traffic, parking, or sewage. The use cannot increase the nuisance to the neighbors. No outside storage is allowed. No persons other than self or family members may reside in the residence. Only 25% of the house can be used for a business. A license to operate is required, and no retail sales are allowed. We currently have a list of prohibited home occupations, including automotive repair, beauty shop services, printing, and anything using chemicals that could get into the normal sewage. City staff compared these regulations to those of surrounding cities, and for the most part, they are similar. Prairie Village requires the entire business to be contained within the home, no help other than family members, no exterior alterations, or retail sales. Overland Park has the same requirements as Leawood in terms of liquor sales, adult businesses, massage places, etc. We're finding a lot of similarities between what Leawood is currently doing and other cities. We looked at Lenexa as well, and they have to follow their zoning requirements, which means no commercial use within residential districts, no churches run out of homes. They require a Special Use Permit (SUP) in Lenexa. Olathe has to comply with all local, state, and federal regulations. The Fire Department may have to inspect the home, depending on the use. Governing Body asked that we look over this to find long-term solutions. We have been directed to speak to the current Home Occupancy regulations and review them to see if any changes can be made.

Comm. Hoyt: Is there a perceived problem?

Mr. Sanchez: I believe the issue is the city is getting requests for people wanting to do more Home Occupancies, and the LDO doesn't allow for a lot of them. Since we just have a list of non-allowed uses, it would mean that everything else is allowed, which may not be the best way to go about it.

Comm. Hoyt: Are the people asking to go against the current regulations, or are we just saying that people are asking and coming up with ideas that we think maybe should be included in regulations?

Mr. Coleman: Part of what prompted this is the pandemic and people working from home, but recently, we had a citizen contact City Council. It was a social worker with a counseling business who wanted to see about getting a license to be allowed to do counseling in the home. It is not on the prohibited list, but in general, unless it's more specific, we haven't allowed it. I wanted to look at some prohibited items, including

physicians, chiropractors, and dentists. Some medical professions are prohibited, and we wanted to get the Planning Commission's thoughts on other professional services.

Comm. Hoyt: Is there any current provision for emergency remedy or temporary allowance?

Mr. Coleman: Not really; we have a Temporary Use Permit, but that is geared toward festivals and farmers' markets. Some of the neighboring cities utilize Special Use Permits, so that was one consideration.

Comm McGurren: Would you prefer a scenario where the people needed to call in and request a specific permit or exception to be provided, or would that be overwhelming?

Mr. Coleman: Right now, Home Occupations require a license. That is how we check to see if they meet the requirements. I don't think any terms or requirements that require staff to do more are the issue. It is more the use in the residential neighborhoods.

Comm. Hoyt: If I'm a therapist and I'm restricted to the outside of my office, if I'm doing virtual therapy sessions, is that covered under this, or are you only talking about when people come into the home?

Mr. Coleman: We're only talking about coming into the home. That's a very good question because they would still technically need a license to do it virtually if they are operating their business out of their home, but no one is coming to their home. A lot of things have gone virtual, so that is a good question.

Comm. Hoyt: My daughter-in-law lives in Madison, Wisconsin, and she's a therapist. She's been doing virtual sessions with her clients for the last several months. Would somebody like that need to go through this, or should there be a different procedure for those folks versus the others? More and more people's businesses are pretty much invisibly operating. To what extent does the city want to get involved in that?

Chairman Elkins: That was my thought, too. I know dozens of people in Leawood who are conducting sales activities out of their homes, which technically is in violation of this. They're doing it over the Internet. I think, based on what I'm seeing at Cerner, larger parts of Cerner's population will be working from home permanently, even after the crisis has passed. I definitely think we need to do something about the online/virtual question versus somebody physically coming to a residential space because that seems to be what we should be regulating.

Comm. McGurren: I agree.

Comm. Block: What I heard from what we currently have and what I believe the intent to be, it is really about the nuisance. I understand this can be broad and general. It would make sense that the business could occur as long as it doesn't negatively impact the neighbors.

Comm. McGurren: In our neighborhood a few years ago, an individual was running for United States Congress. The nuisance that occurred as the campaign was being run out of the house was all the additional cars. It lasted for eight months to a year. To me, I can see why people were frustrated. The nuisance factor of all the cars coming and going and parking in front of people's houses. I think that is much more of a concern than it would be any of these local companies having people working out of their homes.

Chairman Elkins: What is the definition of a nuisance in the ordinance?

Comm. Hoyt: And what is the definition of an occupation? I wouldn't think running for political office would be considered an occupation; it seems more like an activity. A nuisance could be coming from a lot of different places.

Mr. Sanchez: Currently, there is no definition for nuisance in the LDO.

Mr. Coleman: It will be in the City Code under Property Laws.

Mr. Sanchez: A Home Occupation is defined as any occupation or activity conducted within a dwelling unit that is clearly incidental and secondary to the use of the premises for dwelling purposes. It refers back to Section 16-4-10.

Comm. Hoyt: If I had some sort of book group or Bible study group that was coming every week at 10:00 in the morning and the cars were all the way up and down the street because there were so many people, that could theoretically fall into this category.

Comm. Hunter: I agree. For an anniversary party, we call and get the signs to block off the street, but certainly, that might be a nuisance to people. It seems like the city may need to work on that definition. This is going to be novel for all the cities, dealing with a time when the majority of people have had to work from home over the last six months. Could you carve out some sort of exception for online work that doesn't have people coming into the home?

Comm. Hoyt: I would think there could be a different category for when no additional people are entering the premises because someone could be working completely in a solitary fashion, or someone could be working in the home with thousands of people via the Internet. As long as nobody was coming and going, it wouldn't have any adverse impact on the neighborhood; whereas, far fewer people could be physically coming and going and causing a nuisance.

Comm. Hunter: What section of the code has the definition of nuisance?

Mr. Sanchez: The LDO does not have one. Mr. Coleman stated that it is in the City Code.

Ms. Knight: It's in Section 11-204 of the City Code. It says it's a thing, condition, or use of some continuity as distinguished from a solitary act, which through offensive odors, noises, substances, disturbances, emanations, sights, or the like, works, hurts, annoys, inconvenience, or damage to the public or to another with respect to his/her comfort, health, repose, or safety or with respect to the comfortable enjoyment of his/her property. That's essentially it. It would have to be ongoing and persistent.

Comm. Hoyt: If you're looking for how to revise things, I would definitely go for a two-track system: one that involves offsetting the category of non-physical traffic-generating things as being exempt from this category and then deal with the ones that involve generation of physical traffic and whether or not you want people to apply for licenses, such as the Cerner employees and the freelance or not freelance, as the case may be, therapists. Whether you really want to keep track of those people or not is up to the city to decide. It doesn't seem like those people are creating a nuisance, so they wouldn't fall under the nuisance category.

Mr. Sanchez: To go to the next slide, we wanted to see what kind of solutions we could implement within the LDO. Staff has talked about creating a cleaner process, may consider administratively approved SUPs, or consider notifications for neighbors within a close proximity. They will still have to follow HOA and deed restrictions, and the city does not enforce that. We have also talked about creating a list of allowed uses rather than those that are not allowed. If there are other ideas from the Planning Commission, we would like to hear those as well.

Comm. Hunter: Are you talking about starting to have people who work from home apply for a Special Use Permit?

Mr. Sanchez: That could be a possibility. Right now, they have to get a license from the city to operate. It wouldn't be much different except that it would come through Planning.

Comm. Hoyt: I don't think it would ever occur to someone doing their job remotely for Cerner to go to the city and get a permit to do that. Does that fall into the category of things the city wants to be policing?

Mr. Coleman: I think that's a question we would bring up with Governing Body. I could see a scenario where someone has a business that is pretty much all online, such as Ebay or Etsy, and you have 30 deliveries a day by Prime.

Comm. Hoyt: I have 30 deliveries a day to my house.

Comm. Belzer: In COVID-era, I have 30 deliveries every day, too.

Mr. Coleman: That could create an issue if delivery trucks were there continuously all day, picking up and delivering. You might want to consider that somewhat.

Comm. Peterson: I've lived in Berkshire Leawood for 24 years now. What I find interesting is a very diverse group of professionals who live here and a large number who have literally worked out of their homes for decades. They never have someone from the business come into their home; yet, they are providing all kinds of technical support for various corporations. They also have numerous deliveries, but no one has perceived this as a nuisance or a problem. What would appear to be developing in this economy is companies are relying upon more and more of their workers to remain at home and work remotely, which I frankly see as a longer-term trend and will not go away. I do not see it as a nuisance. When I was in business, I functioned remotely for years because there were certain things I could do that way. No one knew business was being transacted from home. I would never have thought I would need a Special Use Permit. Are we looking for a problem, or is there a problem?

Mr. Sanchez: I don't believe we are looking for the professionals who are working at home with a home office. I think it's the type of profession that, instead of going into the office, they stay at home but still do the same types of things, which may not include being on the computer and taking phone calls; it may include additional people coming over. It is more the additional nuisance that we are considering.

Comm. Peterson: Again, you mention nuisance. Someone in the securities business could operate as a stockbroker from the home, and no one from the neighborhood would ever know it. That could go on for decades. I know people who have actually done that.

Mr. Coleman: Then it's not a nuisance.

Comm. Belzer: Maybe we should focus on nuisance and define what it may look like in the COVID era. We could tighten up the definition rather than come up with what is allowed and what needs to be permanent.

Comm. McGurren: I'd like to see us focused on the definition that was already read, ask the question Commissioner Belzer just asked, determine if there is something about traffic that is not included in the definition, and then ask if we are comfortable allowing the person who perceives the nuisance to call the city. Then, the city would handle it on a case-by-case basis.

Mr. Coleman: That's how it's handled right now.

Comm. McGurren: Is there a problem with that?

Mr. Coleman: Sometimes, one person's fun is another person's nuisance. We have different nuisances that one person might be able to tolerate and another might not. The situation I was getting at was more of a retail business being run out of the home with selling over the Internet.

Comm. Peterson: You mentioned that this is the way it's handled currently. Has there been a significant increase in the types of complaints or calls that come into the city?

Mr. Coleman: No; we've gotten a few people who have reached out to City Council. That prompted us to look at the ordinance. One of the good things to come out of this discussion is the virtual issue. Maybe there is nothing somebody virtually needs to do, but if the business includes in-home visitation, it may be different.

Comm. Hoyt: I would think it would be simplifying to put that in a different category. Then, you could really get down to focusing on situations where large amounts of physical traffic are involved. That seems to be the nuisance piece of it. You could have a fictitious meter of how much traffic causes the nuisance. Clearly, 1-2 cars are not a nuisance; 100 cars are a nuisance. Something between is a partial nuisance, perhaps. Just to get rid of the whole category of people who are doing things in their homes, not generating any additional traffic over what a normal lifestyle would tend to dictate seems inappropriate. Some people have multiple teenagers with a lot of cars and friends who visit. That is potentially a lot of people in vehicles, but we wouldn't regulate that. Just separate the non-traffic issues, which I assume we don't want to be the business of regulating, and focus on the things that could be troublesome to the neighbors.

Comm. Coleman: I think we're talking about a business, and the business either has cars for people going to the business, or it has deliveries. If we narrow it down to those specifics, I think we're safe. If someone is running an Ebay store out of their house, they're going to have a certain number of deliveries per day. If someone is doing therapy out of their house, that creates traffic. If we narrow our focus down to that, I think it would take care of it.

Mr. Coleman: Does everyone agree with that?

Chairman Elkins: I just wonder if we need to add the issue of license to the mix and what type of activity triggers the license requirement.

Mr. Coleman: That's a good point. Technically, if they have a business and it is where they receive their revenue, they should have a license. It's minimal. We can bring that up to Governing Body.

Comm. Hoyt: Should there be a difference between somebody who is a salaried employee of a bigger company working remotely versus someone who is operating as the proprietor of the business?

Mr. Coleman: That's different, I think. Someone working from home is not working a business out of their house.

Comm. Hoyt: If they produce a nuisance because they're having large department meetings, they're back into the mix in the nuisance category. They wouldn't have to have a license; they would just be a flat-out nuisance.

Mr. Coleman: Do we think we've discussed this enough? We can draft something up and come back.

Chairman Elkins: Yes, let's move on to the next topic.

Impact-Resistant Shingles

Mr. Coleman: You might recall in the earlier this year, we passed an ordinance that reduced the weight of shingles. Of course, apparently, we didn't reduce them enough. They went from 275 to 265, but it turns out there are some that are actually lighter at 250 pounds per square. We wanted to get your thoughts on that. They don't appear any different. They reason they're lighter is manufacturers have gotten stronger fiberglass layers in the shingles that would resist delamination of the shingle. It'll knock the granules off in a hailstorm, but the shingles are still good. We have some manufacturers who would like it to be lowered to 250.

Comm. McGurren: What is the Planning Department's opinion?

Mr. Coleman: Between 265 and 250, there is not really a visible difference. The shingles, especially impact-resistant ones, are all getting lighter due to improvement of materials that go into them. They would still be required to have the 3/16" at the edge of the shingle, so it would still have the definition that the other shingles have.

Chairman Elkins: What is the 250 a measure of?

Mr. Coleman: It's a measure of the weight of the shingle per square, so 100 square feet of shingles weigh 265 pounds. We had this request, and we wanted to bring it to you and see if you had any concerns. We'd like to hear any issues you have.

Comm. Block: Do we not allow three-tab shingles?

Mr. Coleman: That is correct.

Comm. Block: I don't know that we need to have the pounds in there in the first place. As long as it's an architectural shingle and has that shadow lines, I don't know that the weight matters that much. I think it's the look that we're after more than the weight.

Mr. Coleman: There are some shingles that are not three-tab that are pretty thin and lightweight. There's a real gradation between three-tab and the heavyweight shingles. I know that some leadership in the city wants to maintain the architectural and weight characteristics that were put in place a long time ago. We've been reducing the requirements to allow a greater variety. I can certainly bring that up with Governing Body.

Comm. Block: Does the impact-resistance distinction create a quality shingle? Is it a better quality? Will it last longer?

Mr. Coleman: The impact-resistant shingles are lighter because they have fiberglass reinforcement layers in them. They have more of an asphalt part. They would last about the same amount of time, but the non-impact-resistant shingles would have to weigh more. They're all subject to ultraviolet light, to some extent, and the weather.

Comm. Hunter: If Planning is okay with it, I don't have a problem with it.

Mr. Coleman: Any other comments?

Comm. Hoyt: I agree with Commissioner Hunter. If it seems like a good enhancement, I'm okay with it.

Comm. Stevens: It seems like there's enough performance criteria for the shingles as far as impact resistance, structural makeup, and degradation from weather. If all the criteria are equal to the 265, it seems that should be okay. The thicker weight is more architectural thickness that is visible in the shingle, and maybe that is the concern. As they get too thin, they don't meet the aesthetic standard. Is that the issue here?

Mr. Coleman: That is how it is falling out. Some of it is an aesthetic judgment call. They all have to meet the International Code Council (ICC) evaluation requirements.

Chairman Elkins: Okay, we can go on to the next topic.

LDO Amendments

Mr. Sanchez: The first amendment has to do with façade changes. Normally, the Planning Commission sees these every so often on the Consent Agenda. We've heard from multiple developments and new businesses that the current process to change the façade of a tenant space is hindering their process, especially during COVID. We still want to show that we still want the tenants to fill the retail spaces. What has been proposed is that all façade changes could be administratively approved. Staff counted nine façade changes in the last two years. They will normally go through the three-month planning process, and they also have to get permits as well. If they could be approved administratively, they could also be denied. At that time, they could go through the normal process that is currently in place. They'll still have to meet the requirements of the LDO and Design Guidelines. We've gotten a lot of interest from several developments to consider a quicker process. These tenants want to go in as fast as possible, and we want to allow that. We will also require a letter from the developer saying that they understand and approve of all the changes. You will probably see this at the next Planning Commission meeting.

Comm. Coleman: Is Leawood and outlier around this, or do the other cities have similar guidelines?

Mr. Sanchez: To my knowledge, Leawood is an outlier in that we check facades for every tenant that moves in.

Comm. Hunter: Would this have applied to Peloton?

Mr. Sanchez: Yes, that is a good example. They didn't meet the Design Guidelines, so if the administrative approval were in place at that time, their application would have been denied. They then would have challenged the denial and gone through Planning Commission.

Chairman Elkins: Can you explain the three-month planning process?

Mr. Sanchez: They bring in their application, and we review it for a month. It then goes to the Planning Commission. In that month, we are taking notes and working with the applicant. After Planning Commission, they have to wait another month to go to Governing Body. They then get their permit, which can take up to two weeks.

Comm. Hunter: I think it makes a ton of sense to provide administrative approval. If it gets denied, they still have the ability to go through the process, but in the interest of getting tenants into vacant spaces, this is a great step.

Comm. Block: Agreed.

Comm. McGurren: Agreed.

Comm. Belzer: Agreed.

Comm. Peterson: Agreed.

Chairman Elkins: I guess I'm the outlier. I'm troubled because I absolutely agree with Commissioner Hunter about the need to expedite the process and that we're regularly criticized for the length of time the planning process takes. On the other hand, I think nature and character of the façade is one of the fundamental things that, as a Planning Commission, we have an obligation to participate in. I guess I'll have to think about it some more, but I have some reservations.

Comm. McGurren: Isn't the good news that, if Richard and the Planning Department have the same concern, they'd kick it to us?

Chairman Elkins: Yes, but the flipside is if Richard's taste is different than the Commission's, then there is no check and balance on that approval.

Comm. McGurren: That's a fair point. Should there be very small committee within the department so it's not just one person?

Mr. Coleman: The entire staff looks at the designs. The big issue is the Design Guidelines that the façade needs to meet. If the guidelines are so broad that they allow anything, there is no reason to have administrative approval because everything fits.

Chairman Elkins: I think that's a fair point.

Mr. Sanchez: This administrative approval process would be similar to what we do with signage currently. All signage goes through the Planning Department, and we administratively approve them unless they do not meet Design Criteria. It would be very similar.

Chairman Elkins: That's what concerns me. I think signage is categorically different than the appearance of the façade.

Comm. Stevens: The text refers to new tenants, and there are examples of tenants in a development. Are there façade changes applicable to all building facades? In other words, it could be a whole development that is upgrading appearance, or it could be a building like US Toy moved out of. Are you saying this would apply to all façade updates?

Mr. Sanchez: This would not be for entire developments; this would be for small tenant spaces. The overall development has Design Guidelines, and those pinpoint what a tenant façade is. If the entire development wanted to change, it would have to come through as a Final Plan.

Comm. Coleman: I think it's a good idea to explore further and get something in front of us. I wanted to confirm if we are an outlier. We want to make Leawood friendly to business and invite them to come in. If this is a hindrance we can manage in the Planning Department, I would be in favor. I'd like to see the wording and situations this would cover. I think it's a good idea worth exploring further.

Mr. Sanchez: The next amendment we'll bring to you is an increase to maximum building height in SD-CR zoning. Currently, the maximum is 50 feet. Staff has been considering a height up to 65 feet, but the developer must provide an additional setback. For every 1 foot higher than the currently allowed maximum, an equal distance in setback would be required. Currently, the structure setback is 40 feet. This would be reviewed on a case-by-case basis. They would have to come through Planning Commission and Governing Body, but it would be something we would bring forward to the Planning Commission and make sure that everyone is aware that this would be happening. *Shows example.* We also explored a 2-for-1 tradeoff with 2 feet of setback for every 1 foot of height increase. Staff wants to bring this to Planning Commission at the next meeting and wanted your thoughts and/or ideas.

Chairman Elkins: You mentioned that staff wants it to come to the next meeting. The next meeting is going to be painful. Is there an application that you're considering that suggests we need to expedite this?

Mr. Sanchez: We will bring this forward as is in the agenda. We're not going to push it forward in front of anything else. There is no rush at that point.

Chairman Elkins: Can you identify a couple buildings in Overland Park to give a sense of what this height looks like?

Mr. Sanchez: I'll defer to Richard on that.

Mr. Coleman: Well, 50 feet is the maximum in SD-CR, but we have some buildings that are over 50 feet in the MX-D developments. For example, the top of the Aloft Hotel is 90 feet, I believe. AMC might be in the vicinity. The parking garages are maybe a little more than 50 feet.

Chairman Elkins: Would some of those buildings in Mission Farms be in that neighborhood?

Mr. Coleman: The new apartment building is in that neighborhood at 65 feet.

Comm. McGurren: Does the City of Leawood currently own a building that goes over 50 feet, and is your expectation that the new Fire Station would be 50 feet or less?

Mr. Coleman: We don't have any buildings that are over 50 feet. The Fire Station hasn't been designed yet, but it wouldn't be over 35 feet.

Comm. Coleman: Can you give a better definition of SD-CR?

Mr. Coleman: It is Special District Commercial Retail. It's General Retail and allows the most retail uses.

Comm. Coleman: How many stories are in 50 and 65 feet?

Mr. Coleman: It depends, but 50 feet would be around three stories with 10' ceilings and structural space.

Comm. Stevens: It would vary by building, but 15 feet per floor is a common height. Three stories would be 45 feet, but then a parapet on the top and roof structure would add to it.

Comm. Coleman: Then, 65 feet would be roughly four stories.

Comm. Block: I thought somewhere else within the LDO is a similar setback exchange for height increase. Was that cell phone towers?

Mr. Coleman: That is correct. Cell phone transmission towers have that setback.

Comm. Block: Is it a 1-for-1 or 2-for-1?

Mr. Coleman: I'd have to look it up.

Comm. Block: Is it just cell phone towers that have that requirement?

Mr. Coleman: Church steeples also have it. They're usually the tallest structure in a neighborhood.

Chairman Elkins: Didn't we have a sliding scale on setbacks for residential home heights at one time?

Mr. Coleman: On the teardown-rebuild residential ordinance, we have a sliding scale for houses that are torn down and rebuilt between ranch, story-and-a-half, and two-story homes. A 23'-at-the-eave envelope was developed, and then it goes 2-to-1 back to the side yard setback.

Chairman Elkins: It's one of the most complicated regulations we ever wrote. It took us three years to get there, so I know it's complicated.

Comm. Stevens: It does seem like this kind of tradeoff for setback and height increase is fairly common in other cities or other zoning districts. It seems like the 1-for-2 or greater makes the most sense. Anything less would allow a pretty tall structure. Have you seen it in other cities?

Mr. Coleman: It is common. One of the things we might look at is the adjacent zoning. In the example Ricky showed, it is SD-CR next to R-1, so that may require something different than SD-CR next to RP-4 or some other zoning classification.

Comm. Stevens: That's a great point.

Chairman Elkins: I think a fundamental question for us is how we feel about a 65' tall building in this zoning, and then we should consider the appropriateness of the setback formula.

Mr. Coleman: One way to look at this would be to put some criteria in place and require a Special Use Permit for any building over 50 feet in SD-CR.

Chairman Elkins: Can you give a couple examples off the top of your head of SD-CR areas in development right now?

Mr. Coleman: Ranch Mart and strip centers along State Line are SD-CR. The former Barstow School is SD-NCR, which is more restrictive.

Mr. Sanchez: Developments that could be affected by this include Town Center Plaza, Town Center Crossing, Ranch Mart, the area at State Line and 89th Street, and Nall Valley Shops.

Chairman Elkins: I guess this is my night to be a naysayer. As you go through that list, it's a little hard for me to contemplate 65' tall buildings in many of those spots. Maybe Richard's point of setting some conditions makes a lot of sense.

Comm. McGurren: Agreed.

Chairman Elkins: I think that height of building makes a lot of sense in MX-D; I'm just not sure I can imagine it in Town Center.

Comm. Hoyt: I would say ditto to what Marc said, and then maybe you write into the guidelines in the things that would be considered in the granting of the SUP that the nearby zoning would be relevant, too, as you said before.

Chairman Elkins: I think that makes a lot of sense.

Comm. Stevens: I know this is hypothetical, but in the Ranch Mart example, the office building to the left of the 65' building in a similar position must have been right under the 50' height. It is a three-story office building that has been approved, correct?

Mr. Coleman: It's two stories.

Mr. Sanchez: That is correct. It has tall floors, though.

Comm. Stevens: This tall of a building could have rock climbing in it. Just kidding.

Mr. Coleman: Any other comments?

Chairman Elkins: Ricky, do you have anything else to bring before us?

Mr. Sanchez: That's everything.

Chairman Elkins: I would just reiterate that staff look closely at the agenda for the next meeting. We have some work to be done in that next meeting, unless there have been changes since last time.

Mr. Sanchez: No changes; it is still very, very full.

Chairman Elkins: I think I've talked with Richard a little about this, but I think there's history for at least one of the cases. I would encourage staff to share as part of the packet the minutes from prior consideration of Planning Commission and Governing Body when we get to those.

Mr. Sanchez: We can do that.

Chairman Elkins: Any commissioners have anything else? If not, as always, we thank you for your service and your time and putting up with these COVID times. Looks like we'll be at it for the next meeting as well.

MEETING ADJOURNED