

MINUTES OF THE PLANNING COMMISSION MEETING

**PLANNING COMMISSION/
BOARD OF ZONING APPEALS
September 15, 2009**

Commissioners Present: Cowman, McLean, Smith, Gage, Bonner, Wrischnik
Commissioners Absent: None

Others Present: Amy Barenklau, Brian McCauley, Mike Gibson, Mike Hudgeons, Dick Allenbrand

Item 1: Pledge of Allegiance

Item 2: Consider minutes from the August 18, 2009 meeting

Chair Cowman called the meeting to order. The first order of business was the consideration of the minutes from the August 18, 2009 meeting.

Commissioners Cowman and Bonner made a motion to approve the minutes as submitted. Commissioners Cowman, McLean, Smith, Bonner and Wrischnik voted in favor with Commissioner Gage abstaining due to his absence at the August meeting.

Item 3: 09-CUP-10 – Consideration and vote on a conditional use permit for a heavy commercial business at 410 North Silver, Michael Hudgeons, applicant.

Commissioners Gage and McLean made a motion to open the public hearing. All Commissioners voted in favor.

Amy Barenklau presented the staff brief in Planner Gotfredson's absence. She stated that this is a conditional use in the Thoroughfare Access zoning district. Mr. Gotfredson noted in staff documents that the biggest issue with the application is the need to provide sufficient screening along the south side of the property.

Mr. Gotfredson's findings are that the application is consistent with Section 21.220 of the LDO, that the conditions of approval are consistent with Section 21.222 of the LDO and that the application will not be detrimental to the health, safety or general welfare of the community.

Planner Gotfredson recommends approval of the conditional use permit with conditions noted in the staff brief sheet.

Mr. Hudgeons was in attendance and stated that he had spoken with Planner Gotfredson about the parking of vehicles and maintaining visibility for oncoming traffic at the intersection of Silver and Third Streets. He stated he would not park or maintain items that would hinder visibility in that portion of the lot.

Commissioner Bonner inquired about the condition to install street trees. He stated that there had been several other businesses in the location in previous years and asked why they had not been required to install street trees. Ms. Barenklau explained that the previous businesses had not been a change of use, so the requirement to come into compliance with LDO regulations was not required. She also stated that in the file there is documentation with previous businesses about the trees and staff requiring them to be replaced as they were dead or dying.

Commissioner Gage stated that he felt the street trees were a bigger hindrance to oncoming traffic than vehicles parked in the sight triangle. Mr. Hudgeons stated that in cleaning up the property, he could verify that the trees along Silver Street are alive and he would actually like to plant a third tree to balance the property.

There were no further comments from those in attendance.

Commissioners Cowman and Gage made a motion to close the public hearing. All Commissioners voted in favor.

Commissioner Cowman made a motion to recommend approval of the Conditional Use Permit at 410 North Silver with the conditions noted. Commissioner Gage seconded the motion.

Commissioner Wrischnik inquired about the recommended conditions and specifically the condition stating the applicant needs to replace the trees. He stated that after the previous discussion, he felt that should be removed or changed.

Commissioners Cowman and Gage withdrew their motion.

Commissioners Cowman and Gage made a motion to recommend approval of the Conditional Use Permit at 410 North Silver for a heavy retail business with the following conditions:

- 1. Exterior lighting must use cut-off fixtures.*
- 2. No parking of inventory or customer vehicles is permitted in clear view area.*
- 3. Provide additional screening to the south of the property with 2.75 plant units per 100 linear feet and replace street trees if needed.*
- 4. At any time, the City may institute revocation of the conditional use permit for violations of the conditions of approval, expiration, or the reasons specified in Section 21.225 of the Land Development Ordinance. The City shall provide notice to the landowner and public in the same manner as was provided for the establishment of the conditional use permit.*

All Commissioners voted in favor.

Item 4: 09-PLAT-02 – Consideration and vote on a Preliminary & Final Plat for Lighthouse Presbyterian Church located at the northwest corner of 303rd & Hedge Lane, Miami Realty, applicant.

Ms. Barenklau presented the staff brief in Mr. Gotfredson's absence. Currently there is one parcel, with this platting there will be three parcels. The parcel being platted is to be used by the Lighthouse Presbyterian Church for a new building; the other two parcels will be future phases of Heatherwood.

Ms. Barenklau noted that the only item to be resolved was a revision to the utility easements, which has been completed. Mr. Allenbrand of Allenbrand-Drews confirmed that was the only item noted during review of the plat and that the change has been made. He explained that there was one area where the actual water lines were placed outside of the previous easement, so it was necessary to revise the easement on the plat.

Planner Gotfredson's findings are that the application is consistent with Section 21.620 of the LDO and that the application will not be detrimental to the health, safety or general welfare of the community.

Planner Gotfredson recommends that the preliminary and final plat for Lighthouse Presbyterian Church be approved with the condition that the utility easements be revised to cover existing water lines.

Commissioners Gage and Smith made a motion to recommend approval of the preliminary and final plat for Lighthouse Presbyterian Church with the condition that the utility easements be revised to cover existing water lines. All Commissioners voted in favor.

Item 5: City Planner Report

Planner Gotfredson provided a report updating the Commissioners on the status of items from the August meeting.

Ms. Barenklau stated that Mr. Gotfredson had planned to discuss the provided signage information, but since he was unexpectedly absent it would take place at next meeting. Commissioners were asked to forward any specific concerns or thoughts to staff so that they could be addressed at the next meeting.

Commissioner Smith stated that after he had brought up signs and the number of variances that are requested, he went back and read through the sign requirements again and he feels that the LDO addresses the requirements pretty thoroughly.

Item 6: Items from Commissioners

Commissioners had a short discussion about parking requirements and specifically those around the square and how potential owners of the establishment at 2 West Piankishaw will be able to fulfill parking requirements once the former Team Financial building is sold.

Item 7: Adjournment

Commissioners Cowman and McLean made a motion to adjourn. All Commissioners voted in favor.

Meeting was adjourned at 5:30 pm.