

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's March 5, 2024 Meeting

I. Call to Order

Lisa Richard, Vice-Chairperson, called the Planning Commission/Board of Zoning Appeals meeting to order. Rachel Lyon came in at 5:45 pm.

Present: Lisa Richard, Kym Kays, Rita Ortolani, Gary Hogsett, Tim Haynes, Michelle Anderson, Mary Jo Dancer

Absent: Rachel Lyon, Butch Holum

Guests: April Nutt, Lisa Wilson, Brad May, Scott Smith

II. Minutes

- a. Consider approving minutes of the February 6, 2024 Planning Commission/Board of Zoning Appeals meeting.

Motion:

On the motion of Tim Haynes, seconded by Gary Hogsett the Commission approved the February 6, 2024 Planning Commission/Board of Zoning Appeals meeting minutes.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Dancer, Lisa Richard, Gary Hogsett, Kym Kays, Rita Ortolani

Nay: None

III. Board of Zoning Appeals (Does not include outside City appointments)

- a. Public Hearing to consider a variance request for the size and number of detached signs in an R-3, low-density multifamily dwelling district at 215 N. Park Blvd.

Lisa Richard opened the public hearing.

Angela Renfro explained that the church had been given a donation and they wanted to put in a new school sign that is large enough to be seen at the elevation of the schoolyard.

Motion:

On the motion of Rita Ortolani, seconded by Tim Haynes the Commission approved a variance request to allow a second sign on church property and a variance to allow the school sign to be 32 square feet in size.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Dancer, Lisa Richard, Rita Ortolani

Nay: None

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- b. Public Hearing to receive comments on a variance request to reduce the setback(s) in a C-2, commercial services district at 1609 N. Pennsylvania Avenue.

Lisa Richard opened the public hearing.

Brad May asked if the zoning regulations require a wall to be left standing to build in the same footprint on the building premises.

Kelly Passauer stated that if the applicant goes through a variance process for a setback it eliminates the need to do that.

Motion:

On the motion of Tim Haynes, seconded by Lisa Richard the Commission approved a 14-foot variance off the alley behind 1609 N Pennsylvania Avenue.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Dancer, Lisa Richard, Rita Ortolani

Nay: None

IV. Planning Commission

- a. Public Hearing to consider a text amendment relating to "Restaurants, drive-in" in the C-3 Central Business District.

Rachel Lyon opened the public hearing.

Rachel Lyon let the board members know she is the real estate agent for this property and would be abstaining.

Lisa Richard let the board members know she has been involved in conversations about this issue and that she is a member of the Landbank Committee.

Gary Hogsett let the board members know he is a member of the Landbank Committee.

April Nutt said that the Landbank Committee owns property at 201 E Main Street that does affect this district. The potential intent is to provide a drive-through restaurant that does not serve food. This will include walk-ups.

Kelly Passauer stated that there is currently a definition for a drive-in establishment but not one for a drive-through establishment. A conditional use permit would be required in the C-3 district where any property owners within 200 feet are notified of a public hearing.

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Motion:

On the motion of Tim Haynes, seconded by Mary Jo Dancer the Commission, based on the statements included in the staff recommendation, recommended the City Commission modify the permitted and conditional use table to add "Restaurants, drive-through" as a conditional use in the C-3 district and a permitted use in the C-2 and C-4 districts, and to add a definition of "Restaurants, drive-through" as "An establishment whose primary purpose is the sale, dispensing or serving of food, refreshments, ice, or beverages in automobiles, including those establishments where customers may serve themselves, except that this shall not include offering or selling food or beverages for consumption on the premises in parked motor vehicles."

Aye: Michelle Anderson, Tim Haynes, Mary Jo Dancer, Lisa Richard, Gary Hogsett, Kym Kays, Rita Ortolani

Nay: None

Abstain: Rachel Lyon

- b. Public hearing(s) to receive comments to consider rezoning a tract of land at 408 South 8th Street from R-3, low density multifamily dwelling district to R-5, high density multifamily dwelling district; and to receive comments on a request for a conditional use permit for an "Accessory use not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d.", in an R-3, low density multifamily dwelling district at 408 South 8th Street. The specific accessory use requested is an outbuilding to serve the primary structure located across the alley at 401 South Penn Avenue, which is in an R-5, high density multifamily dwelling district.

Rachel Lyon, Chairperson, opened the public hearing.

Rita Ortolani let the board members know she is a member of the Housing Authority Board.

Brad May stated that his concern is that the Housing Authority would build another low income housing structure.

Kelly Passauer explained that an R-3 district is zoned for single-family, duplexes and triplexes. The lot is not big enough to build an R-5 structure which is a higher density but the same single-family structures as mentioned would still be allowed.

April Nutt said there are currently no plans to build on the lot but it could come up on future plans.

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Brad May asked how that could be so with the shed being used in R-5.

Kelly Passauer stated that if there were a house built there the accessory use would have to go back to the house.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission approved the rezoning of 408 S. 8th Street from R-3 to R-5 with a conditional use permit for an "Accessory use not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d. with the following additional provisions:

- a. Must be located on an adjacent lot to the principal building or principal use served, excluding public rights-of-way.**
- b. Must be located in the same zone as required for the principal building or principal use it serves.**
- c. Must be under the same ownership as the principal building or principal use served.**
- d. Must be located at the rear of the adjacent lot if there is access thereto.**

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Dancer, Lisa Richard, Gary Hogsett, Kym Kays, Rita Ortolani

Nay: None

- c. Consider a preliminary plat for Jefferson Subdivision.**

Rachel Lyon opened the public hearing.

Rita Ortolani reminded the board members that she is on the housing board.

Tim Haynes asked if a sidewalk was included on 11th Street. The engineer stated it was not. After further investigation, it was noted by the engineer that a sidewalk is included in the plans.

Lisa Richard wants it noted that her vote for approval will only count if the sidewalk stays in the plan.

Motion:

On the motion of Tim Haynes, seconded by Lisa Richard the Commission approved the preliminary plat for Jefferson Subdivision.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Dancer, Lisa

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Richard, Gary Hogsett, Kym Kays, Rita Ortolani

Nay: None

- d. Consider a final plat for Jefferson Subdivision.

Rachel Lyon opened the public hearing.

Rita Ortolani reminded the board members that she is on the housing board.

Lisa Richard wants it noted that her vote for approval will only count if the sidewalk stays in the plan.

Motion:

On the motion of Gary Hogsett, seconded by Tim Haynes the Commission approved the final plat for the Jefferson Subdivision of Highland Park Addition.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Dancer, Lisa

Richard, Gary Hogsett, Kym Kays, Rita Ortolani

Nay: None

- e. Consider initiating a public hearing for a text amendment relating to "Shipping containers" in the C-4, highway commercial district.

Motion:

On the motion of Rita Ortolani, seconded by Rachel Lyon the Commission approved setting a public hearing at the April 2, 2024 Planning Commission/Board of Zoning Appeals meeting for a text amendment relating to "Shipping Containers" in the C-4, highway commercial district.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Dancer, Lisa

Richard, Gary Hogsett, Kym Kays, Rita Ortolani

Nay: None

V. Discussion

Kelly Passauer let the board know that on April 9, 2024, there will be a Comprehensive Plan public forum at 5:00 pm in the Civic Center at Memorial Hall.

City Staff has been asked about having a Moratorium on sign regulations in the downtown until the City code is revised after the Comprehensive Plan has been approved. This will be discussed at the April 2nd meeting.

VI. Adjournment

Motion:

On the motion of Tim Haynes, seconded by Mary Jo Dancer the Commission adjourned the meeting.

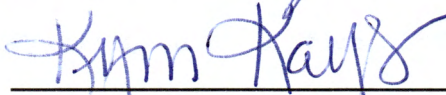
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**Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Dancer, Lisa
Richard, Gary Hogsett, Kym Kays, Rita Ortolani**

Nay: None



Rachel Lyon, Chairperson



Kim Kays, Secretary