

A regular meeting of the Planning Commission was held at City Hall, 200 S. Main Street, on Monday, October 6, 2014, at 7:00 p.m.

Chairman Vanek called the meeting to order. Present were Chairman Vanek and Commissioners Malewski, Wegner, Kapff, Letarte and DeGrow. Commissioner Herrera and Skinner were absent and excused.

Also in attendance at the meeting was City Manager Jon Stoppels, Utility Director Scott Poyer and City Clerk Kristy Reinecke.

Commissioner Malewski moved the Planning Commission approve the Agenda as printed; seconded by Commissioner DeGrow, passed unanimously.

Commissioner Wegner moved that the May 5, 2014, Minutes be approved as printed; seconded by Commissioner Kapff, passed unanimously.

There were no public comments.

Chairman Vanek opened the meeting for a Conditional Use Permit Application for a Group In Home Daycare for the property commonly known as 225 Diana Street, Property Tax Code 23-300-074-601-148-00. The Public Hearing opened at 7:05 p.m.

City Manager Stoppels reviewed with the Commission the letter that had been previously drafted by Building Inspector Hill, who has since resigned. The Commission thanked City Manager Stoppels for the review.

Valerie Pruden, 225 Diana Street, appeared before the Commission stating that she wanted to have an In Home Group Daycare facility at this location, and in order to get proper licensing needed to have the City grant her a Conditional Use Permit.

Commissioner Wegner asked what the ages of children were who would be in the Daycare facility. Ms. Pruden stated that the range was infant to 12 years old.

Commissioner Malewski asked if Ms. Pruden planned on fencing in this property. Ms. Pruden stated that she would be fencing in the property.

Commissioner Letarte stated that she needed to disclose that she was a rental property owner on this street. Commissioner Letarte wondered what the requirements were for a Daycare Facility in this area when there was a registered sex offender living on this same street. City Manager Stoppels stated that he could not answer what the legal ramifications were on an issue like this, but could get the answer from the City Attorney and get a response to the Commission.

Commissioner Kapff asked how close the individual lived to the proposed Daycare. Commissioner Letarte stated that it was in the range that they would have received a notice of the proposed Daycare facility.

Chair Vanek asked how many children would be using the Daycare facility. Ms. Pruden stated that it was between 1 to 12 children, with the higher number being only during holidays or no school.

Chair Vanek stated that the home did not seem large enough for this many children as you needed to have 25% floor space for a home business. Ms. Pruden stated that for State Licensing of a Daycare Facility the requirement is 4 to 6 feet per child.

Chair Vanek asked if Ms. Pruden was the owner of this property. Ms. Pruden stated that she was not the owner, that the owner lived in California. Chair Vanek asked if she had a letter granting her permission from the owner to have this Conditional Use Permit granted by the City. Ms. Pruden stated that she did not have a letter from the property owner.

Commissioner Malewski stated that the Commission would need a letter from the property owner as well as needing the answer to the sex offender question before she felt that an action could be taken.

Chairman Vanek asked what the Commission needed to do at this time. City Clerk Reinecke stated that the Public Hearing needed to be closed, and when it came up later on the Agenda, the Commission could move to table the item until the information could be given to them, and then addressed at their November meeting. City Clerk Reinecke stated that another Public Hearing would not be needed as they had met this requirement.

Commissioner DeGrow stated that maybe Ms. Pruden could check as well with the State regarding the sex offender issue and see if they had any information regarding this type of issue.

There were no further comments. Chairman Vanek closed the Public Hearing at 7:12 p.m.

Commissioner Kapff moved that the approval of the Conditional Use Permit Application for a Group In Home Daycare for the property commonly known as 225 Diana Street, property tax code 23-300-074-601-148-00, be tabled until they had received further information from legal counsel as well as a letter granting permission from the property owner; seconded by Commissioner Malewski, passed unanimously.

Chairman Vanek stated that at this time the Commissioner would be reviewing the Preliminary Site Plan for 1015 S. Main street, for the proposed location for an Advanced Auto Parts store.

City Manager Stoppels reviewed with the Commission the concerns that the City has with this development in that they needed City property to complete their project, as well as they would be land locking a home to the north.

Jason Brown, from Knoxville, TN, the developer for this site, appeared before the Commission to answer any questions. Mr. Brown stated that they have done over 100 stores in the past 10 years for this company.

Commissioner Letarte asked Mr. Brown for a brief overview on the plans for the property.

Mr. Brown stated that the property would fit the designed store nicely, the only real concern was that the City owned property in the rear of the site that they would need in order to build a retention pond, but that the company was willing to buy the property from the City and give the City an easement.

Commissioner Malewski asked if the City was willing to sell the property. City Manager Stoppels stated that they had concerns and were not necessarily willing to sell the property. City Manager Stoppels stated that this was a transitional type of zoning, and that the Council had requested the Planning Commission to review the proposal and then come back to them with a recommendation on what they saw was the best development for this site.

Chairman Vanek asked if the Company had offered to purchase the home that would be land locked, and if this home was purchased then the Company would not need the City's property. Mr. Brown stated that an offer had not been made to that property owner.

Chairman Vanek stated that this was a Mixed Use District and that he has several issues with the development. Chairman Vanek stated that the glazing on the windows did not meet Code and would need to be revised. Chairman Vanek stated that the facade from the street would prefer if it were a pitched roof or gabled roof as this was in a residential area, and would not like to see a flat roofed building. Chairman Vanek stated that Code required a masonry wall between a commercial building and a residential building and that with the drawing of their current site, there was no room to allow for a masonry wall. Chairman Vanek further stated that the proposed sign was 20 feet, which was within the requirements of the Code, but as this was in a residential area, would like to see a smaller sign, and a 20 foot sign would be up in the tree canopy and would not be visible from the road.

Commissioner Wegner stated that he had concerns as if this plan was approved they would be isolating one residential home and it would greatly effect the property value of this home. Mr. Brown stated that it could add value to the home as maybe at a later

date it could be sold for commercial development. Chairman Vanek stated that this could not happen as this piece of property did not have 150 foot of road frontage.

Commissioner Kapff asked if the current property was zoned commercial. Chairman Vanek stated that where the proposed building was being built was zoned commercial.

Commissioner Letarte asked what the distance was from the westside of the property to the edge of the street. Mr. Brown stated that it was 20' from the sidewalk.

Commissioner Letarte stated that she was specifically referring to the front of the property. Mr. Brown stated that there would be no parking in the front of the building.

Commissioner Letarte asked what the square footage was of the proposed building. Mr. Brown stated it was 6,912 feet.

Commissioner Letarte asked if there would be parking north of the proposed building up to the property line. Mr. Brown stated that this was correct.

Commissioner Wegner asked if they could move the proposed building to the north. Mr. Brown stated that he was unsure if the property to the north was for sale.

Utility Director Poyer stated that there was a problem with the storm water retention, but that this could be resolved by them building an underground storage facility and that they would need to grant an easement so that the City could have access to the storm sewers, but with the addition that if there were any damage to asphalt or concrete, that the City would not be held liable. Utility Director Poyer further stated that the cost to bury the electrical lines would be the responsibility of the developer.

Commissioner Letarte stated that she had concerns with the abrupt change in the plan and that she did not feel comfortable approving a plan that would land lock the home to the north.

Commissioner Wegner asked if they would be willing to purchase the property to the north and turn this into a mini green space. Mr. Brown stated that he felt that this would be cost prohibitive.

There were no further comments.

There were no reports by the Zoning Board or Staff.

The meeting was adjourned at 7:44 p.m.