

## PLANNING COMMISSION MEETING

*March 10, 2011*

The Planning Commission convened in Courtroom No. 1 at City Hall for their regular meeting. Vice Chairman Komjati called the meeting to order. He asked the secretary to call the roll. Members in attendance were, Mr. Brian Temming, Ms. Christine Shoop, and Vice Chairman David Komjati. Absent were Mr. Andrew Eade and Chairman Thomas Fitzgerald. Also present were, City Manager Rita McMahon, Assistant City Manager/Community Development Director Douglas Lewis, City Planner Russ Schaedlich, Assistant Law Director James Lyons, and Secretary Lynn White.

**MINUTES:** Vice Chairman Komjati asked for additions or corrections for the Planning Commission Meeting of February 10, 2011. There being none, he asked for a motion. Motion by Mr. Temming, seconded by Ms. Shoop, to approve the Planning Commission Meeting Minutes from February 10, 2011 as submitted. All members present said “aye”. Motion carried.

**NEW BUSINESS:** (Public Hearing Items)

None.

### ADMINISTRATIVE REPORT:

- **Nonconforming Uses – Potential Rezonings** – Discussion/recommendations.

Vice Chairman Komjati asked Mr. Schaedlich to comment on the recommendations of the City. Mr. Schaedlich indicated the Commission received in their packet the first of a series of potential rezonings. He stated that over the past six months the staff has identified nonconforming uses throughout the City. In looking at these areas, it was noted that numerous properties were either nonconforming or similar to areas zoned differently nearby. The Staff considered the possibility of rezoning those properties since it did not seem to make sense to keep them as nonconforming uses.

Mr. Schaedlich went through each area that was identified. He explained to the Commission the submitted map and described the various delineation of the parcels and the current uses of those properties. Along with the map, there was a description of the area and the parcels were identified with a parcel number and address. He explained that the proposed rezonings would be in conformance with the recommendation of the Comprehensive Plan.

The Staff Report submitted by the Administration recommends approval of each potential rezoning. The four areas include: Area #1 – Chestnut/Brentwood/Cedarbrook south of railroad tracks (B-2 to R-1); Area #2 – Stage Avenue (M-2 to R-1); Area #3 – Bank Street (B-2 to R-2); Area #4 – N. State Street at Rockwood Drive (B-2 to R-1).

Vice Chairman Komjati. He inquired about the next step in this process. A Public Hearing will be held where the residents will be notified and have the opportunity to speak on this issue.

Vice Chairman Komjati asked if there were any questions regarding this item. He indicated that he felt the recommendations make sense. There being no comments, he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Temming to accept the four recommendations to rezone the areas identified for the nonconforming uses. On roll call, Mr. Temming, Ms. Shoop, and Vice Chairman Komjati answered “yes”. Motion carried.

- **Parking and Loading** – additional regulations in residential districts.

Vice Chairman Komjati moved onto the next item on the agenda Mr. Lewis indicated an updated version of the proposed amendment was handed out and placed on the table for the Commission to review. He explained the process regarding the proposed zoning code amendment. The Staff was asked to research various ordinances relating to commercial vehicles and present that information to the Housing Task Force. The research included how other municipalities deal with commercial vehicles in residential districts. That information was given to the Commission for reference. Mr. Lewis explained the recommendation of the Housing Task Force was to keep the existing language, which lists the various types of vehicles, and to add language relating to height, length, and width restrictions. He explained some of the surrounding communities’ regulations on this issue.

Mr. Lewis commented on the updated amendment given to the Commission and explained how the language was changed from overweight vehicles to oversized vehicles; motor vehicle dimensions

were added; and the penalty language was changed to be a minor misdemeanor with a fourth degree misdemeanor if cited more than once in a twelve-month period. The change to the penalty section makes this section of the code consistent with the traffic code regulations. In addition, unlicensed vehicles will have the same penalty.

Vice Chairman Komjati stated that he sits on the Housing Task Force and the added change of providing dimensions to the vehicles gives the City more enforcement ability when dealing with overweight/oversized vehicles. He asked if there were any questions on this item. There being no further discussion, Vice Chairman Komjati asked for a motion. Motion by Mr. Temming seconded by Ms. Shoop, to accept the proposed code revisions relating to parking and loading and penalty section. On roll call, Ms. Shoop, Mr. Temming, and Vice Chairman Komjati answered "yes". Motion carried.

#### **OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION**

None.

#### **ADJOURNMENT**

There being no other items to come before the Planning Commission the meeting was adjourned.

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Lynn M. White, Secretary

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David Komjati, Vice Chairman