

PLANNING AND ZONING COMMISSION  
MINUTES  
MARCH 8, 2017 5:00 PM

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**1. CALL TO ORDER**

The notice of Meeting and Agenda having been duly posted in accordance with legal requirements and a quorum being present, the meeting was called to order by Chairman Fuechec at 5:00 p.m.

**2. ROLL CALL**

Present:

Chairman Jeff Fuechec  
Commissioner John Hancock  
Commissioner Paul John Herrmann  
Commissioner Monica Martin  
Commissioner Brandon Zabodyn  
Zoning Official Penny Hornsby

Absent:

Commissioner John VonDerAu  
Commissioner Sherry Roddy

City Staff Present:

Mindi Snyder – City Manager

Visitors:

Paul Soechting – Board of Adjustment Chairperson

**3. READING OF MINUTES**

Chairman Fuechec called the meeting to order asking if the Commission members read the minutes from the November 9, 2016 meeting and if so, requested a motion to approve.

Motion: Commissioner Paul John Herrmann

Second: Commissioner Brandon Zabodyn

Ayes: Chairman Fuechec, Commissioner Martin, Commissioner Hancock, Commissioner Herrman, Commissioner Zabodyn

Nays: None

Motion status: Carried

**4. PUBLIC COMMENTS**

Paul Soechting request to speak as he could not be present for the agenda item related to the Board of Adjustment (7.A.I.). Mr. Soechting stated that the board has had a very difficult time getting a quorum with the current required number of members needing to be present. At the last meeting, with nine or so citizens in the audience, they had to scramble to get enough people there to vote on the items. This meeting was already a reschedule from the previous meeting that had to be cancelled due to not enough members being present. He respectfully requested that the Commission approve the recommended changes.

Chairman Fuechec asked if it was necessary for matters related to the Board of Adjustment to come before the P&Z Commission.

Ms. Hornsby indicated in the affirmative.

Chairman Fuechec thanked Mr. Soechting for speaking.

## **5. REPORTS**

### **A. STAFF REPORTS**

#### **I.a. 2017 Comprehensive Plan Update**

Ms. Hornsby briefly reviewed the key benchmarks for the 2017 Comprehensive Plan Update and encouraged all present to attend the City Council meeting on March 13, 2017 for the presentation of the final plan by the consultants.

#### **I.b. Recommendations by CPAC to expand the role of the Commission**

Ms. Hornsby detailed the discussion from the previous CPAC meeting where it was mentioned that the P&Z Commission needed to be utilized more in matters regarding development and planning. She identified previous duties of the Commission such as residential development agreements, annexations, abandonment of alleys & ROW, and referenced the electronic material sent in the packet that demonstrated what other city Planning and Zoning Commissions undertake.

Chairman Fuechec asked if these were Council's responsibility.

Commissioner Zabodyn stated that the Commission would be doing the research, reviewing submittals by staff – who would be doing most of the work – and make recommendations to Council.

Chairman Fuechec stated that staff lives and breathes this stuff and wasn't completely sure how the Commission would have any more insight.

Ms. Hornsby stated that not only does it help to get community representatives involved to give their point of view on possible changes but it also allows the city to satisfy the requirement for two public hearings – one with the Commission and the other with Council.

Commissioner Zabodyn indicated that this group has a unique perspective, and since it had been so involved with in the CPAC, the group's insight was far greater than others.

Commissioner Hancock asked how the Commission would be involved in housing development? Would it only be on by focusing on zoning?

Ms. Hornsby stated that her department is very focused on the housing issue. The team has already started researching innovative approaches to increasing housing opportunities. For instance, from what staff is hearing from citizens, the need for multiple units on a single lot to address the need for multigenerational housing is very high.

Commissioner Hancock said that we need to focus on getting the ordinances in a better place to help with housing. But how do we keep multiple people living in a single structure? Right now we have issues with ten people living in a single structure.

Ms. Hornsby said that a new code enforcement officer had been hired and would be focusing on dilapidated structures as well as enforcing codes already on the books.

Commissioner Zabodyn stated that the recent use of new software has helped get a better understanding of what the issues are as well as identify areas of concern. That's an important tool.

Commissioner Martin expressed agreement with the Chairman in that the group needed to realistically understand what they would be responsible for. Planning is a huge area.

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Chairman Fuechec stated that around the time of the building of Emerald Estates there was a committee formed regarding a residential incentive agreement. What happened to that? Mindi Snyder stated that the residential development incentive agreement is still in place. It has been revised but the spirit of document remains the same.

Commissioner Zabodyn asked if the agreement was the CDC's responsibility.

Ms. Snyder indicated that it was a city program – The Residential Development Rebate.

Commissioner Zabodyn asked if there was a commercial equivalent.

Ms. Snyder stated that there is a 380 agreement which allows for waiving of permit fees, rebates on sales taxes, etc. – depending on what is being done.

Commissioner Hancock asked if this group would be involved in code enforcement.

Ms. Hornsby stated that they would not.

Commissioner Hancock indicated that there had been a rezoning request by Collins Welding on Washington St. The Commission had denied the request. There were a lot of people against it. But they somehow went before the Board of Adjustments for the setback of a fence and it was approved.

Ms. Hornsby asked when this occurred.

Commissioner Hancock stated that it was just few years ago.

Ms. Snyder stated that it was not that long ago. And that's why Ms. Hornsby is here. We didn't have very well structured processes and things like this happened. She has been working on getting things in place so that this kind of thing doesn't happen again.

Commissioner Hancock asked how it got before the Board of Adjustments?

Ms. Snyder stated that she was not sure what happened exactly as she had not yet started at the City.

Commissioner Zabodyn indicated that they presented a different argument.

Ms. Snyder said that it was not supposed to be commercial.

Commissioner Zabodyn clarified that the company in question is Elite Motors.

Commissioner Hancock stated that people were fixing up houses across the street and were very upset about this and that's why the Commission denied it.

Ms. Hornsby expressed that as the zoning official, she sits on both boards as the City representative. A similar situation will not happen again. A denial of rezoning would be on the record and any effort to circumvent the process by remitting an application would not be successful. With the structure in place, the established calendars, the comprehensive agenda packets – all the information is readily available for anyone to determine whether any action has been taken on a specific property.

Ms Snyder stated that Ms Hornsby had been going through all the historical documents and compiling them so that they could be referenced. It is a daunting task. We should be able to research this issue.

Ms. Hornsby agreed that she would look into this particular property and determine what had happened and what action was needed.

Commissioner Hancock indicated that he was satisfied with the statement.

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Commissioner Zabodyn stated that once we have a checklist we should be able to get a better idea of what we will or will not take on.

Commissioner Martin said that there's a lot to look at regarding zoning changes. In the county, a family wanted a residence for their adult, handicapped child to live independently. They wanted to build a completely separate home for her. Having a shared wall or roof would keep it in the single family requirement and usually unrelated people don't like to rent out as part of an "attached" home. Because, unfortunately, grandma dies or people move and suddenly you have a bunch of people living in these two structures and the newer place didn't have a washer and dryer but now it does.

Ms. Hornsby expressed agreement that this would be an unanticipated impact on infrastructure and this was exactly why it was important for the Commission to be part of the process in revising the zoning in the City to offer expertise, experience and insight.

Commissioner Martin asked if the City had already identified areas that are incorrectly zoned? Ms. Hornsby said yes.

Chairman Fuechec stated that they needed to be careful making changes to zoning.

Commissioner Zabodyn said that he believed that it should be done incrementally. The last rezoning was for nine acres. This would be the approach he recommends.

Chairman Fuechec expressed agreement.

Commissioner Zabodyn stated that he had a hard deadline of leaving by 5:30 p.m.

## **6. ZONING MAP AMENDMENTS**

Chairman Fuechec asked Ms. Hornsby for The City's report.

Ms. Hornsby stated that the area is an established neighborhood dating back to the very early 1900's. It had initially been zoned as C-2 but was revised to C-1 with Ordinance 2002-07 Amendment No. 112-7. Staff highly recommends the rezoning of this area as the other side of Olive Street is zoned R-2. She indicated that a letter of protest had been received by an owner of three properties in the area. Photos were provided of the area.

Commissioner Martin stated that she had driven by the area and agreed that it was a residential area that had been erroneously zoned.

Chair Fuechec asked if any additional discussion was needed and as no affirmations were received, he called for a motion.

Motion: Commissioner Hancock

Second: Commissioner Martin

Ayes: Chairman Fuechec, Commissioner Martin, Commissioner Hancock, Commissioner Herrmann, Commissioner Zabodyn

Nays: None.

Motion Passed.

## **7. ZONING TEXT AMENDMENTS**

Chairman Fuechec asked Ms. Hornsby for The City's report.

Ms. Hornsby stated that the section addressing the Board of Adjustments had been updated with Ordinance 2009-01 but only the second portion (D-2g) had been codified, causing the section to be

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confusing and contradictory. Staff recommends that the original wording of Ordinance 2009-1 be accepted in order for the section to be consistent and clear. The P&Z Board Member requirement would be removed and the seven member board would be changed to include five regular members and two alternate members to serve when necessary. Four members would constitute a quorum. As they had heard from the BOA chairperson, Chair Fuechec asked if any additional discussion was needed and as no affirmations were received, he called for a motion.

Motion: Commissioner Zabodyn

Second: Commissioner Herrmann

Ayes: Chairman Fuechec, Commissioner Martin, Commissioner Hancock, Commissioner Herrmann, Commissioner Zabodyn

Nays: None.

Motion Passed

Motion to Adjourn – Commission Hermann

Second: Commissioner Hancock.

Ayes: Chairman Fuechec, Commissioner Martin, Commissioner Hancock, Commissioner Herrmann, Commissioner Zabodyn

Meeting adjourned at 5:30 p.m.

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Penny Hornsby – Zoning Official