

April 12, 2018
5:30pm Washburn City Hall

CITY OF WASHBURN PLAN COMMISSION MEETING

COMMISSION MEMBERS: Dave Anderson, John Baregi, Leo Ketchum-Fish, Scott Griffiths, Jeremy Oswald, Adeline Swiston, Jon Wheeler

ABSENT:

MUNICIPAL PERSONNEL: Tammy DeMars-City Treasurer/Deputy Clerk, City Attorney David Siegler

Meeting called to order at 5:30PM by Griffiths attendance as recorded above.

Approval of Minutes – March 15, 2018 – Moved by Baregi to approve minutes as presented, second by Swiston. Motion carried unanimously.

Public Hearing(s) – Swiston moves to open the floor for the public hearing, second by Ketchum-Fish. Motion carried unanimously.

Leo Ketchum-Fish recuses himself from the Public Hearings stating conflict of interest, he moved to the audience.

Discussion and Recommendation on Conditional Use Request to Construct and Operate a Contractor Yard and to Operate at Fitness Center. The property is located in block bounded by Omaha Street and East Memorial Park Drive and Central Avenue and 1st Avenue East. Lot 1 of CSM 2029. Fishnote Properties, Petitioner- William Platt of 101 Memorial Park Drive, is a neighboring property and ask if Ketchum-Fish could explain what is meant by Contractor yard. Ketchum-Fish explains he is requesting to put a building that would have office space, possible fitness center and contractor equipment such as bob cat, pick-up, trailers and possibly outside storage of lumber. No other comments made. Site plan discussion; Ketchum-Fish explains he is requesting two entrances the main being on Omaha Street and the other on Memorial Park Drive, this would allow him a safer exit with trailers as they could just pull through instead of backing out. He is not intending adding anything further for landscaping he will leave and maintain the trees that are currently on the property as shown on his plan, the driveway will be gravel and the west of the building will be left natural. There will be room for 5 off street parking spaces along the drive and in front of overhead door. Concerns on parking; code requires one parking space for each student during the largest period of attendance plus 1 space for each employee working that shift. Ketchum-Fish; this would require black top and would require changing his plans to accommodate, he feels there is ample off-street parking. Siegler suggest he could apply for an exception, provided sufficient evidence is provided that shows off-street parking is less than the standard, or he could draw up an agreement with the Iron Works to use their property if they are in agreement. Discussion continued. The Commission confirmed the size of the parcel was not an issue, the use is compatible, the location of the use on the property is not a concern, traffic safety should not be a problem and allowing two entrances would be beneficial for the safety, it is a suitable use, there are no negative impacts on the environment known of, concerns with impacts on the neighbors were discussed and hours of operations were agreed on, and it would not impede the normal development. Moved by Griffiths to recommend approval of the Conditional Use Permit of Fishnote Properties, LLC property as described above to allow for a Contractor Yard per 13-1-3-15.05, and Light Industrial use incidental to sales/service per 13-1-3-17.20 contingent on proper lighting fixtures as required by code and with the conditions as laid out in the draft permit and allow for two driveways to better serve the property as there is substantial evidence this would improve traffic flow and safety. Conditional approval of the fitness center per 13-1-3-9.13 with the conditions as laid out in the draft permit, and parking issues will have to be addressed prior to the fitness center, second by Baregi. Motion carried 6 to 0.

Discussion and Recommendation on Conditional Use Request to Construct and Operate a Contractor Yard and to Operate a Personal Storage Facility for Personal Units and for Vehicles and Watercraft. The property is located on 1st Avenue East, South of Memorial Park Drive. Lot 2 of CSM 2030. Jeff Pipgras, Petitioner – No public comment. Pipgras has given two alternate lay outs for the building, the location he chooses will be the one with least amount of work to excavate as there appears to be broken up concrete buried throughout the property. Discussion. Driveway will come off 1st Ave East, the only lighting he will have is a motion light facing down at the entrance of the building he has a lot of room for parking but based on the use he is only required to have 2 off street parking spaces. Screening is a requirement, Pipgras doesn't feel that he could do any planting because of the blacktop that is about 16" deep, after further discussion it was decided he would look at it closer and present something to Council on the screening. Pipgras explained he is not looking for something like mini-storage, he just wants to be able to store some of his personal units such as boat and truck along with a shop and storage area for deliveries and shop for making his vents and bending pipe. Siegler, feels he needs to adjust what he is asking for and eliminate 13-1-3-14.03 as he doesn't need that for his own property and add 13-1-3-17.20 Light Industrial use incidental to sales/service, this would allow him to do the work he talked about in the shop, this should also be added to Leo Ketchum-Fish. Further review; the Commission confirmed the size of the parcel was not an issue, the use is compatible, the location of the use on the property is not a concern, traffic safety should not be a problem, it is a suitable use, there are no negative impacts on the environment known of, concerns with impacts on the neighbors were discussed and hours of operations were agreed on, and it would not impede the normal development. Moved by Griffiths to approve the Conditional Use Permit of Jeff Pipgras for a Contractor Yard per 13-1-3-15.05 for Alltemp Heating and Cooling and Light Industrial use incidental to sales/service per 13-1-3-17.20, with conditions laid out in draft permit and contingent on lighting plan and meeting screening requirements be approved by Council, second by Oswald Motion carried 6 to 0

Moved by Oswald to close the floor, second by Baregi. Motion carried 6 to 0

Ketchum-Fish returns to the table as a voting member.

Discussion and Recommendation on Request for Vacation of the East 418 Feet of East Memorial Park Drive from the Intersection of 1st Avenue East – Washburn Iron Works, Inc., Petitioner – Taylor Person present. Baregi moves to recommend approval for the Vacation of the east 418 Feet of East Memorial Park Drive as depicted in the map with the City retaining utility easements, second by Swiston. Motion carried 7 to 0

Review of the Previously Proposed Formula Business Ordinance; Discussion on Legal Obligations and Consequences of Zoning Processes such as Site Plan Reviews, Conditional Use Permits, and Other Zoning Procedures; and Discussion of Application of the Code Specifically Related to a Proposed Family Dollar Store – Griffiths explains this was requested to be discussed by Plan Commission Member David Anderson, Griffiths had discussed this proposed Formula Business Ordinance back in 2014 and was met with strong resistance by the residents and many of the business community so he never pushed it any further. Lengthy discussion held with many of the Commission feeling this type of business would hurt the community and should be stopped by any means available. Siegler cautions making any decision based purely on personal desires, the Commission must act reasonably and follow the standards in the code, if not followed we will end up in court. Ketchum-Fish moves to open floor, second by Baregi. Motion carried. Soon to be Mayor Richard Avol was in attendance, he was asked what his feelings are on this subject; he isn't real fond of the Family Dollar idea but is not sure that anything we do now. The last time he spoke with Mr. Kluver, he was told that we have not received anything in the way of permit applications. He is willing to discuss it further at the Council level if one Councilor would like to add it to the agenda and since both Jeremy Oswald and Karen Novacheck were present he didn't think that would be a problem. Oswald felt we could put a moratorium on Formula Base Business so that we can get an ordinance in place. Again, Siegler reminded them that whatever they decide to do they need to make sure it's for a legitimate reason and then we may still end up in court.

Adjourn - Moved by Oswald to adjourn @ 8:15pm, second by Baregi. Motion carried unanimously.

Respectfully Submitted,
Tammy L. DeMars
Treasurer/Deputy Clerk