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

MUNICIPAL PERSONNEL: Tammy DeMar–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 2030, 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 one being on West 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. On the way in and the west of the building will be left as is. 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 large 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 an 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 is 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 13-1-15-05., 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. Motion carried 6 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 pursued 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 and City Attorney, the impact of this decision is on the subject, he is not in a real front of the Family Dollar idea but it is not sure that anything we do now. The last time he spoke with Mr. Klaver, 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 what ever 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. DeMar–City Treasurer/Deputy Clerk