

## **MINUTES OF COMMISSION MEETING**

January 24, 2008  
7:30 P.M.

1. Roll Call/Call to Order
2. Approval of Minutes of Zoning and Planning Commission / Zoning Board of Appeals Meeting: January 10, 2008
3. Case Number 08 ZBA-02; 1000 County Line Rd Sign Variation  
Request for ground sign height variation for the purpose of erecting a ground sign 15'6" above grade on property commonly known as 1000 N. County Line Road (PIN #03-25-400-006).  
Public Hearing – All properties within 500' have been notified
4. 08 P-01/Hezner Amended Conditional Use (Inland Bank Drive-Thru)  
Request to amend Conditional Use Permit ZO-06-98 for the purpose of allowing a two lane drive-through use by a bank on property commonly known as 535-539 S Spring Road (PIN # 06-11-219-003).  
Deliberation – Public Hearing Held 1/10/2008
5. Discussion of proposed Zoning Ordinance Amendments.
6. Other Business.

**\*The transcript of proceedings is the official record of the hearing and it is not intended that these minutes are a substitute for that transcript pursuant to the Open Meetings Act.**

Commission Members Present: Corrado, Ernst, McCoyd, Mushow, Slone, Whistler

Commissioner Members Absent: Brinkmeier, DeWitt, Frolik

City Staff Present: Werner

Chairman Whistler opened the meeting at 7:30 P.M. and requested a roll call. After the roll call determined that there was a quorum, Chairman Whistler requested a motion for the approval of the minutes of the Zoning & Planning Commission meeting of January 10, 2008.

Mr. Werner noted that the draft minutes inadvertently left out Commissioner Brinkmeier's request, under other business, to have the Commission study pedestrian safety issues and solutions. Mr. Werner noted that the new draft of the minutes has that language added for their review. Commissioner Ernst noted that Commissioner Brinkmeier's name was omitted as the

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motion maker for the approval of Case 08ZBA-01. Commissioner Corrado moved to approve the January 10, 2008 Zoning & Planning Commission meeting minutes as amended. Commissioner Mushow seconded and, with a voice vote being all ayes the motion passed.

Chairman Whistler then opened the Public Hearing for Case # 08ZBA-02/ 1000 County Line Road which is a request for a variation to ground sign height. Mr. Dan Johnson, applicant and owner, presented his petition to the Board. After all testimony was received by the applicant, and there being no one in the audience concerned with this application, Chairman Whistler closed the Public Hearing portion of this case. Commissioner Mushow moved to deliberate the case this evening, Commissioner Slone seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler then opened the deliberation of Case # 08ZBA-02/ 1000 County Line Road. After discussion of the three criteria for variations, the Board found that the applicant has met all three criteria of unique circumstance, reasonable use, and not altering the character of the neighborhood. Commissioner Corrado moved to recommend approval the applicants' request as presented; Commissioner Mushow seconded. The Board then voted unanimously (6 to 0) to recommend that the City Council approve the application as presented.

Chairman Whistler then opened the deliberation of case 08P-01/Inland Bank request for amended Conditional Use. This is a request to allow a bank drive-through where a drive through facility was originally approved for an ice cream shop. The Commission reviewed the reports and the Ordinance that originally approved the drive-through for a Ben & Jerry's ice cream shop. After much discussion regarding the standards required to be met before approving a conditional use, the Commission found that the proposed bank drive-through would endanger the public health and safety. Commissioner Mushow moved to recommend approval of the applicant's request as amended to restrict the drive-through to a bank use only, and to require employee parking in the rear of the building; Commissioner Ernst seconded. The Commission then voted 2 ayes to 4 nays; therefore, the motion failed resulting in a recommendation that City Council deny the applicant's request.

The Commission then discussed the proposed text amendments presented by Mr. Werner. It was the consensus of the Commission to proceed with the proposed Zoning Ordinance language as presented by Mr. Werner; the Commission requested input from Commissioners who were absent for this meeting. Mr. Werner stated that he will contact the absent Commissioners and attempt to schedule a public hearing for the end of February or beginning of March.

Under Other Business, the Commission discussed the upcoming case schedule. The Commission then discussed the proposed meeting on Monday, January 28, 2008 with the DP&Z Committee. The Commission agreed that the meeting should be rescheduled for a night that all Commissioners can be present. The Commission requested that Chairman Whistler and Chairman Rose meet and provide members with four or five possible dates from which a meeting could be scheduled that would include all Commissioners. Chairman Whistler agreed and will report back to the Commission.

The meeting was adjourned at 10:00 PM.

Submitted by: Nathaniel J. Werner, AICP, Planning and Zoning Administrator