

MINUTES OF ZONING AND PLANNING COMMISSION / ZONING BOARD OF APPEALS MEETING

September 11, 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 held on 8/28/2008
3. Case Number 08ZBA-08/Wing Variation 551 S. Fairview
Request for Front Yard Variation for the purpose of constructing a front porch on property commonly known as 551 S. Fairview Avenue (06-11-130-003) said property being wholly located in the R2 Single Family residential District.
Public Hearing – All properties within 500 feet have been notified.
4. Case Number 08P-08/Insite (Chase Bank) request for Conditional Use and Associated Variations
Request for Conditional Use Permit for the purpose of constructing and operating a bank drive-through, a Conditional Use Permit for two (2) pylon signs and associated variations for the height of the pylon signs as well as the area of the wall signs on property commonly known as 534-538 W. St Charles Road (PIN # 06-10-211-025).
Continued Public Hearing from August 14, 2008.
5. Case Number 08ZBA-07/ X-Sport Fitness Sign Variations
Request for wall sign area variations for the purpose of installing three wall signs on property commonly known as 633 W. North Avenue (PIN #03-34-411-023, 024, 30, 31, 32 & 33) said property being located within the C2 Community Shopping and Service District.
Deliberation – Public Hearing held on August 28, 2008.
6. Case Number 08P-10/National City Bank request for Conditional Use
Request for Conditional Use Permit for the purpose of constructing and operating a bank drive-through on property commonly known as 565 S. York Street (PIN # 06-12-300-026).
Deliberation – Public Hearing held on August 14 and 28, 2008.
7. Other Business

Commission Members Present: Brinkmeier, Corrado, DeWitt, Ernst, Frolik, Slone, Whistler

Commissioner Members Absent: McCoyd, Mushow

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 to approve the August 28, 2008 minutes of the Zoning and Planning Commission meeting. Commissioner Corrado moved to approve the August 28, 2008 Zoning & Planning Commission/Zoning Board of Appeals meeting minutes as written. Commissioner Frolik seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler then opened the Public Hearing for Case # 08ZBA-08/Wing Variation 551 S. Fairfield, which is a request for a front yard variation for the purpose of constructing a porch. Mr. Doug Wing presented the application to the Zoning Board of Appeals. He stated that they are extending their house towards the side yard and currently have a non conforming porch with a 21.3 foot setback in a district that requires a 25 foot setback. Mr. Wing stated that they are requesting approval to extend the porch south with their new addition; the porch will not be any closer to the street than the existing porch. After all testimony was received from 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 Ernst moved to deliberate this case this evening after the other cases on the agenda. Commissioner Slone seconded the motion and, with a voice vote being all ayes, the motion carried.

Chairman Whistler then opened the continued Public Hearing for Case # 08P-08/Insite (Chase Bank) request for Conditional Use Permit for a bank drive through, Conditional Use Permits for two pylon signs, and associated variations for pylon sign height and wall sign area. Mr. Scott Day, attorney representing Chase Bank and the developer, Insite real Estate, LLC., presented the application to the Commission. After all testimony was received from the Applicant, and there being no one in the audience concerned with the application, Commissioner Frolik moved to require the Applicant to provide a traffic study showing the impact of the anticipated drive through on current traffic patterns and volumes. Commissioner Ernst seconded and, with a voice vote being 6-1 with Commissioner Slone dissenting, the motion passed. Chairman Whistler continued Case # 08P-08 to September 25, 2008 for the purpose of receiving a traffic study and additional information relating to anticipated drive through usage.

Chairman Whistler then opened the deliberation for Case Number 08ZBA-07/X-Sport request for wall sign area variations. The Board discussed the proposed signage noting that the signs were proportional to the size of the tenant space X-Sport is leasing. X-Sport is proposing 3 larger

signs; the ordinance allows up to 13 smaller signs for this particular tenant. The Board discussed the request and found that sufficient evidence was presented to warrant approval of the requested variations. The Board voted 6 to 1 to recommend that the City Council approve the Applicant's request.

Chairman Whistler then opened the deliberation for Case # 08P-10 / National City Bank request for Conditional Use permit for the purpose of constructing and operating a bank drive-through. At the request of the Commission Chairman, Mr. Javier Milan, traffic consultant representing KLOA, Inc. presented a line of sight drawing showing the line of sight with the building moved back from 7.5 feet to 13.5 feet. This exhibit showed that by moving the building back to 13.5 feet, patrons exiting the neighboring car wash will have ample visibility of pedestrians and bicyclists on the sidewalk. After discussion, the Commission voted 6 to 1 to recommend that the City Council approve the applicant's request for a Conditional Use Permit for the purpose of constructing and operating a bank drive-through.

Chairman Whistler then opened the deliberation for Case # 08ZBA-08/ Wing request for Front Yard Variation on property commonly known as 551 S. Fairview Avenue. The Board discussed the request noting that the proposed porch will be extended towards the south side of the property in line with the existing porch; the porch will not be any closer to the street than it is now. After review of the three variation criteria, the Board voted unanimously to recommend that the City Council approve the Applicants request.

Under Other Business the Commission discussed the upcoming case schedule.

The meeting was adjourned at 10:20 PM.

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