

MINUTES OF COMMISSION MEETING

October 25, 2007

7:30 P.M.

1. Roll Call/Call to Order
2. Approval of Minutes of Zoning and Planning Commission / Zoning Board of Appeals Meeting: October 11, 2007
3. Case # 07ZBA -17 / Olympic Chiropractic Variation
Request for variation to the off-street parking requirement for the purpose of constructing an addition on property commonly known as 533 S. York Street (PIN 06-12-120-004)
Public Hearing: All properties within 500' have been notified.
4. Case # 07 ZBA – 18 / Huster Variation – 312 N. Highland
Request for Front Yard Variation for the purpose of constructing a front porch on property commonly known as 312 N. Highland Avenue (PIN 03-35-320-023)
Deliberation: Public Hearing held October 11, 2007.
5. Case # 07 P – 05 / Martens Subdivision – 411/415 Spring Road
Request for Subdivision of two lots into nine lots and associated lot frontage (width) variations for the property commonly known as 411-415 Spring Road (PINS: 06-11-203-003 & 004).
Deliberation: Public Hearing held August 23, September 13, September 27, and October 11, 2007.
6. Case # 07 P-06 / Doti Liquors Conditional Use 104 E. Fullerton
Request for Conditional Use Permit for the purpose of relocating an existing pylon sign and installing an electronic message board to replace the manual reader board on property commonly known as 104 E. Fullerton (PIN 03-36-100-019)
Deliberation: Public Hearing held September 27 and October 11, 2007.
7. 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: Brinkmeier, Corrado, Ernst, Mushow, Slone, Whistler

Commissioner Members Absent: DeWitt, Frolik, McCoyd

City Staff Present: Said, Werner

Chairman Whistler opened the meeting at 7:40 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 on October 11, 2007. Commissioner Corrado moved to approve the October 11, 2007 Zoning & Planning Commission meeting minutes. Commissioner Frolik seconded and, with a voice vote being all ayes the motion passed.

Chairman Whistler opened the Public Hearing for Case # 07ZBA-17/Olympic Chiropractic variation which is a request for a parking variation for the purpose of constructing an addition to the commercial property commonly known as 533 S. York Street. After all testimony was received from the applicant, and there being no one in the audience concerned with this petition, Chairman Whistler closed the public hearing portion of this case. Commissioner Mushow moved to deliberate Case # 07ZBA-17/Olympic Chiropractic Variation this evening; Commissioner Ernst seconded and, with a voice vote being all ayes the motion passed.

Chairman Whistler then opened the deliberation of Case # 07ZBA-18/Huster Variation which is a request for a front yard setback variation for the purpose of constructing a front porch. Commissioner Corrado moved to approve the variation request as presented; Commissioner Slone seconded. Mr. Werner provided an overview of the request and noted that the applicant had provided the Board members with letters of support from the abutting neighbors. After discussion of the standards for variations, it was the consensus of the Board that the applicant provided sufficient evidence to warrant approval of the request. The Board voted unanimously (6-0) to recommend that the full City Council approve the request as presented.

Chairman Whistler then opened the deliberation for Case # 07P-05/Martens Subdivision and associated variations. This is a request to subdivide two lots into nine lots with lot frontage variations on two lots. Mr. Werner provided an overview of the request and explained the topography of the site. The Commission discussed the topographical map provided by the applicant as it relates to storm water management. Staff noted that no matter what is built there, the same engineering requirements and regulations will apply; these engineering requirements should improve the stormwater management and reduce, not increase, stormwater runoff from an improved property. The Commission then discussed the request for lot frontage variations for two of the nine lots. The commission noted that the two lots will have a frontage at Spring Road of 14.9 feet, but that the two lots will have 50 and 63 feet of frontage at the front building line. In addition, these two lots will exceed the lot area requirements of the R2 district. It was the consensus of the Commission that the applicant provided sufficient evidence to support the three criteria required for variation approval. The Commission then discussed the proposed private drive noting that this subdivision will reduce the number of curb cuts from an as-of right scenario of seven to two, and this private drive will also provide a landscaped buffer to help screen the site from the York High School football field. Commissioner Ernst moved to approve the applicant's request for subdivision with two lot frontage variations as presented; Commissioner Brinkmeier seconded. The Commission voted 5-1 to recommend that the full City Council approve Case # 07P-05/Martens Subdivision as presented.

Chairman Whistler opened the deliberation for Case # 07P-06/ Doti Liquor pylon sign request. This is a request to allow the relocation of an existing pylon sign due to the construction of an addition to the shopping center. Also, the applicant is requesting approval of replacing the manual reader board on the sign with an electronic reader board. Mr. Werner provided an overview of the request and noted that the applicant had provided the Commission with a photo of the proposed sign with amber bulbs as requested by the Commission during the Public Hearing. The Commission discussed the request and agreed that the applicant had provided sufficient evidence to indicate that the proposed sign meets all of the Standards for Conditional Use. Commissioner Brinkmeier moved to approve the applicant's request for a conditional use pylon sign as presented; Commissioner Corrado seconded. The Commission voted unanimously (6-1) to recommend that the full City Council approve Case # 07P-06/Doti Liquor as presented.

Chairman Whistler opened the deliberation for Case # 07ZBA-17/ Olympic Chiropractic Variation. This is a request for a parking variation for the purpose of constructing an addition to the commercial property commonly known as 533 S. York Street. The property currently has a requirement of 20 parking spaces with 6 provided. The proposed addition will require another 7 spaces bringing the total requirement to 27 parking spaces. The Board discussed the request noting that the City parking lot immediately to the east of subject site has 118 spaces intended to serve the buildings on the east side of York Street north of Vallette. The Commission noted that other properties on the block, including the Knights of Columbus and the building housing the cleaners and the hot dog stand, do not supply any off-street parking either. The applicant is requesting approval to allow a 1,680 square foot addition. The Board agreed with the applicant that this block is similar to Spring Road which is zoned C1 and does not require off-street parking. It was the consensus of the Commission that the applicant provided sufficient evidence to support the three criteria required for variation approval. Commissioner Brinkmeier moved to approve the applicant's request for parking variation as presented; Commissioner Ernst seconded. The Commission voted unanimously (6-1) to recommend that the full City Council approve Case # 07ZBA-17/Olympic Chiropractic Variation as presented.

Under Other Business, the Commission discussed the upcoming case schedule and a potential date to meet with members of the Development, Planning and Zoning Committee of City Council. It was suggested that the Z&P Commission members would be happy to meet with the DP&Z Committee either on one of their Monday evening meetings or at a Commission meeting on Thursday evenings to accommodate everyone's schedule as much as possible. Mr. Said also briefed members of the Commission on the upcoming "Sketch Plan" meetings. One meeting will be held for senior City Staff and two meetings will be held with the public. A fourth meeting will provide an opportunity for the Commission to utilize the "Sketch Plan" program offered by the City's planning consultant, HNTB.

Mr. said also informed the Commission that Staff Planner Erin Shane will not be returning from maternity leave. She has resigned and will be moving to Bloomington, Indiana.

The meeting was adjourned at 10:00 PM.

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