

PLAN COMMISSION MINUTES

Wednesday, December 12, 2018

Present: Butch Trevor (Chair), Bill Fitzsimmons (Vice Chairman), Alan Hon, Craig Mack, Pete McDermott, Jeff Nelson, Cindy Wermuth, John Wetzel

Absent: Mike Crotty, Dennis Kelly, Matt Puck

Staff: Chris Mathias, Jeff Anderson

Others: Mike Wendt, Ward 3 Alderman

1. Call to Order

Chairman Trevor called the meeting to order at 4:00 p.m.

2. Approval of the Minutes – September 26, 2018

Commissioner Fitzsimmons made a motion to approve the minutes for the September 26, 2018 meeting. Commissioner Wetzel seconded the motion and then made a motion to amend the minutes to include a reference to the discussion related to the importance of checking for utilities when considering landscape tree placement on or near the right-of-way. Commissioner Fitzsimmons seconded the amended motion and the minutes were unanimously approved.

3. Other Business

Discussion: Zoning Code

Mr. Mathias referred the Commission members to his Zoning Code Follow-up Discussion Memo dated December 6, 2018 and attached as part of the agenda packet.

Building Height:

Mr. Mathias discussed the positive aspects of utilizing the Building Height definition therein and of incorporating illustrations to help the user understand the text.

Mr. Fitzsimmons motioned to follow staff's recommendation pertaining to a Zoning Code amendment on determining building height. Mr. Wetzel seconded the motion the and motion was approved.

Residential Accessory Building – Site & Coverage Limits:

Mr. Mathias reviewed several examples of regulating accessory structures while maintaining a relationship between the accessory structure, the primary structure, and the lot size. The Commission members engaged in general discussion on various aspects of regulating the size and number of accessory structures. Alderman Wendt stated that he had brought this item forward and shared an example of an issue as well as several potential solutions he had found that could address the issue, e.g., utilizing the overall lot size as a controlling factor in regards to the number and total square footage of allowed accessory structures. Alderman Wendt added that such allowance could be on a declining percent basis as the lot size increases.

Commissioner Fitzsimmons suggested the possibility of utilizing a Special Use Permit process as a means to review and evaluate requests.

Commissioner Wetzel suggested that staff conduct additional research on the subject and bring the findings back to the Plan Commission.

Fences:

Mr. Mathias referred the Commission to the “Fences” section of his memo and made reference to the illustrations contained within his previous memo dated November 7, 2018. Mr. Mathias stated that the incorporation of such illustrations would be helpful for the user to understand various applications of the fence regulations.

Commissioner Wetzel made a motion to follow staff’s recommendation and prepare a Zoning text amendment consistent with the fence recommendation per the December 6, 2018 Zoning memo. Commissioner Mack seconded the motion and the motion was unanimously approved.

Landscaping Variance and “Dowry” option:

Mr. Mathias referred the Commission to the PowerPoint slide pertaining to options on how a variance or “dowry” (payment in lieu of full compliance with landscaping requirements that could be used to support landscaping in City Parks or other location). The Commission engaged in general discussion on the proposed concept.

Commissioner Fitzsimmons suggested a three-step process for consideration:

Step 1: Staff and the applicant meet to discuss the requirements of the Code. If the discussion results in an impasse, then move to step 2;

Step 2: The City would have a plan with a list of potential landscaping projects that could be considered as alternatives. Staff would review the plan and list for a suitable location and project;

Step 3: The applicant would provide a dowry payment and the City would direct the payment to one of the bona fide projects listed within the plan.

Commissioner Nelson explained how the dowry concept could assist the City with landscape installation and maintenance on public property or within right-of-way that can be problematic based on current code requirements or other complicating factors. Alderman Wendt shared

information on the “Sidewalk Payment in Lieu of...” concept as well as the City Council’s interest in directing gaming funds to streetscape projects. Staff requested assistance from the Plan Commission’s Zoning Committee to refine a proposal for consideration.

The Plan Commission directed staff to work with the Zoning Committee and bring back a recommendation based on the Plan Commission’s foregoing discussion that incorporates Commissioner Nelson’s “dowry” concept and Commissioner Fitzsimmons’ 3-step process.

Nonconforming Use:

Mr. Mathias referred the Commission to Option 1 and Option 2 contained within his Zoning memo. Mr. Mathias indicated that it would probably be a good idea for the Law Department to review the options and bring back a recommendation that incorporates comments provided by the Law Department.

The Commission requested staff continue working on this item and bring back a recommendation that incorporates the Law Department’s comments as noted above.

Front Yard Setback Exception:

Mr. Mathias explained the issue with existing structures and/or established building lines that may be closer to a front property line than what the Code currently allows. Consequently, if a new structure is constructed, it may be at a different setback than adjacent or neighboring structures. Mr. Mathias recommended amending the Zoning Code so that new structures or additions, e.g., enclosing or building a porch, could utilize the existing building line if one is present.

Commissioner Fitzsimmons motioned to direct staff to prepare a Zoning Code text amendment based on staff’s proposal for public hearing. Commissioner Wetzel seconded the motion and the motion was unanimously approved.

Commissioner Nelson made a motion to schedule the three approved amendments for public hearings. Commissioner Wermuth seconded the motion and the motion was unanimously approved.

4. Election of Officers for 2019

Mr. Mathias explained the need to elect a new Chairman as per Commission By-Laws.

Commissioner Wermuth motioned to nominate Commissioner Fitzsimmons for Chairman and Commissioner Nelson for Vice Chairman. Commissioner Fitzsimmons seconded the motion and the motion was unanimously approved.

5. Upcoming Business

Mr. Mathias stated that there are no applications currently submitted; however, he mentioned that staff is still working with a potential applicant that has proposed constructing a commercial building utilizing a shipping container structure. Commissioner Nelson suggested that staff continue to work with them and find a way to make the proposal work within the appropriate standards and criteria.

6. Public Comment

Commissioner Fitzsimmons congratulated and thanked outgoing Chairman Butch Trevor for a great job as the Plan Commission Chairman. The whole Commission echoed Commissioner Fitzsimmons' remarks.

7. Adjourn

Being no further business the meeting was adjourned.

Respectfully submitted,

Jeff Anderson, AICP, City Planner
Recording Secretary Pro Tem