

PLAN COMMISSION

MINUTES

Wednesday, August 14, 2019

Present: Jeff Nelson, Mike Crotty, Dennis Kelly, Craig Mack, Butch Trevor, Cindy Wermuth, John Wetzel

Absent: Bill Fitzsimmons, Pete McDermott

Staff: Ryan Berger

Others: Michael Johnson – Bush Construction, Tom Slininger – 40 Love, LLC, Jackie Slininger – 40 Love, LLC, Joe Depoorter, Ila M. Gile, Leona Spear

1. Call to Order

Acting Chairman Nelson called the meeting to order at 4:00 PM.

2. Reading and approval of Minutes – July 24, 2019

Motion made by Commissioner Trevor; seconded by Commissioner Wermuth, to approve the minutes for July 24, 2019. Motion carried unanimously.

3. New Business

Public Hearing – PC 19-05 Special Use Permit to allow in-vehicle sales and service in the (N-C) Neighborhood Center District at 1901 7th Street (Ryan Berger, Land Development Manager)

Mr. Berger began the Public Hearing explaining PC 19-05, a Special Use application to allow in-vehicle sales and service in the (N-C) Neighborhood Center District at 1901 7th Street. The site is currently a vacant parking lot with a proposed 300 square foot coffee shop. It is a drive-thru only facility meaning there is no public access and the only people going in and out of the building will be employees. It is unique as they are proposing a double direction drive-thru so you will be able to get your coffee on either side. If coming off of 19th Avenue, you would enter on the existing curb cut and exit on the alley and onto 7th Street. There have been some concerns about the location, traffic and how people will enter and exit but the Engineering Department has reviewed it and believes the distances of the entrances and exits from the intersection are substantial enough for it to still function. Because of the number of improvements, they do need to meet the standards of the landscaping code. The developer is going to donate portions of the right away to the City as there are currently fiber optic lines and other lines there. The City has asked the developer not to plant trees in those areas. Since the site is already all paved, they are improving the site by adding green spaces which meets the landscaping code. Pavement will only be replaced where traffic is moving at the site, where pedestrians are walking and where the building will be. Some neighbors off of the alley have made contact with the City and had concerns about the traffic coming in and out of the alley. Engineering determined at one time there was a much more intensive use of the site and with the proposed coffee shop, there would be less activity meaning the alley would still function. The code for storm water now for the Neighborhood Center District just says you must not make the site worse than what it is and the developer is improving it with the green space. Any fuel tanks on the property can remain as long as they are not disturbed and this use will not interfere with it. Any no left turn signs would be private signs and can be a condition to approving the Special Use Permit but Engineering

believes the exits will naturally function this way. Mr. Berger answered the commissions questions and swore in those persons present who intended to provide testimony

Michael Johnson with Bush Construction who is the architect for the project explained the client is trying to bring a great business and tax base to a corner lot that is currently undeveloped with the intent to make it something the City can be proud of. They have met all codes needed and would love to do more but also have a budget to follow. They plan to do striping and landscaping to direct traffic in the proper route.

Joe Depoorter of 555 20th Avenue expressed that he wants a business on that corner but has concerns regarding the entrance and exit to the alley, poor condition and width of the alley, traffic accidents with the already busy streets and intersection, traffic that cuts through the site and a shared driveway with Subway.

Ila M. Gile of 537 20th Avenue expressed that she welcomes any new businesses but is opposed to a drive-thru business at this site as she has concerns about the alley and public safety at the intersection and on the busy streets with the extra traffic and traffic waiting on the street to get into the site.

Tom and Jackie Slininger who are developing the site explained they are familiar with the area and understand the concerns made and presented other locations with similar locations such as Whitey's Ice Cream, Country Style Ice Cream and Panera Bread. They chose this location because of the high traffic and will be serving that same traffic. They are hoping to make this a better site and an improvement to the City.

Leona Spear of 537 20th Avenue asked whether the building was prefabricated or if it would be built on site.

The Commission heard the concerns and asked the citizens and developers questions to better understand their concerns and find solutions for all parties. Commissioner Wermuth expressed to the citizens attending that if the Special Use Permit goes through and issues emerge, they need to bring these issues up to the City Council and the City so Engineering can mitigate the issues. As of right now, Engineering deems the project as compliant.

Commissioner Trevor left prior to closing of public hearing.

With no further comment, the public hearing for PC 19-05 was closed.

The Commission discussed how Engineering makes their conclusions and suggestions for a motion.

Motion made by Commissioner Wetzel; seconded by Commissioner Kelly, to accept Special Use Permit PC 19-05 with a right turn only onto 19th Avenue from the Northbound flow of traffic and modify the radius on the 7th Street alley North section.

Commissioner Wermuth asked for consideration to amend motion of acceptance of Special Use Permit 19-05 removing recommendation of right turn only sign but modification of the radius on 7th Street alley North section remains and include expression of concern for traffic flow at intersections. Amendment accepted for consideration by Commissioner Wetzel; seconded by Commissioner Kelly. Motion of amendment carried unanimously.

Acceptance of Special Use Permit 19-05 with modification of the radius on 7th Street alley North section and expression of concern for traffic flow at intersections. Motion carried on roll call with the following vote: ayes: Commissioner Crotty, Kelly, Mack and Wermuth; nays: Commissioner Wetzel.

4. Old Business

None.

5. Public comment

None.

6. Adjourn

There being no further business, the meeting adjourned at 5:23 PM.

Respectfully submitted,
Fawn Schultz, Community Development Administrative Assistant
Recording Secretary