

## **Call to Order**

Chairman Susanke called the Planning and Zoning Commission meeting to order at 7:30 p.m.

## **Roll Call**

Present were Chairman Susanke and Commissioners Gilmore, Haley, Kaufman, Kotleba, and Martin. Also in attendance were Community Development Planner Jennifer Becker and Community Development Director Cathleen Tymoszenko

## **Pledge of Allegiance**

Commissioner Susanke led those in attendance in reciting the Pledge of Allegiance.

## **Approval of Agenda**

**MOTION:** Commissioners Martin and Haley moved and seconded to approve the agenda. The motion carried by unanimous roll call vote.

## **Questions from the Audience - None**

## **New Business**

**Public Hearing  
Petition 03-10  
Rezoning Request  
B-3 Zoning with amendment to  
Ordinance 85-9  
180 S. Eighth Street**

**MOTION:** The public hearing was opened by unanimous roll call vote. Ms. Becker confirmed publication in the newspaper.

Chairman Susanke read background on the requested variation. Attorney Tom Jordan appeared on behalf of The O'Brien Limited Family Partnership, owners of the building. He presented the owners reasons for removing the retail furrier only restriction to the B-3 zoning which was placed on the property in 1985. The furrier has closed operations and the family partnership wants to renovate the building for medical offices. The existing ordinance must be modified to grant straight B-3 zoning to allow for the change.

A discussion ensued regarding why the restriction was placed upon the property in the first place. Local resident Joe Motyl who lives in Royal Acres explained that it was to protect the nearby residences to prevent a 24 hour restaurant from operation. He also asked if the existing cross access easement leading to St. Catherine's would be kept as part of the remodeling.

Mr. Russ O'Brien, appearing on behalf of the family partnership, stated that the access easement was a "gentleman's agreement" and that it was the intention of the owners to leave the access easement in place.

The Commissioners then discussed the use restriction and the feasibility of placing a similar use restriction for office only on the property, or just zoning the property Office. Commissioner Martin asked staff about this scenario. Ms. Becker stated that straight Office was never considered by staff because the 50% open space restriction and other site design constraints would not work on this site, and that Office zoning would be a "spot zoning". In addition, Ms. Becker stated that a type of use restriction as proposed by the Commission would be continuing the same type of restriction created in 1985 which would only compound the improper zoning practice.

**MOTION:** Commissioner Martin moved and Commissioner Haley seconded to close the public hearing, which passed unanimously.

**MOTION:** Commissioner Gilmore then moved to recommend granting the rezoning to B-3 with the amendment to Ordinance 85-9 to remove the furrier only zoning restriction. Motion was seconded by Commissioner Kotelba and was approved by a vote of 5 yeas and zero no's.

### **Sign Ordinance Amendment**

There was some continued discussion on the upcoming sign ordinance amendment. Director Tymoszenko explained the background to the recently distributed draft amended sign ordinance. She explained the reasoning why the sign variance process was removed from the venue of the Planning and Zoning Commission and given over to the Appearance Review Commission. She explained that Planning and Zoning will be removed from the smaller sign variances and will retain review and approval over the larger sign issues related to planned developments and annexations.

The Commissioners agreed that it would be appropriate to move processing of variances to the ARC to improve service and make approvals more streamlined

The meeting was then adjourned by unanimous agreement at 8:00 pm.

Respectfully submitted,

Jennifer Becker, Acting Secretary