

PLAN COMMISSION MINUTES

February 27, 2023 | 4:30 p.m.

The Plan Commission met on the above date in the Council Chambers.

The following members were present: Mayor Emily McFarland (Chair), Jaynellen Holloway PE (Director of Public Works/City Engineer), Brian Zirbes (Zoning), Alyse Talaga (Citizen Member), Brian Konz (Park & Rec. Rep), Melissa Lampe (Citizen Member), Nick Krueger (remote) (Citizen Member), and James Romlein PE (Recording Secretary).

1. CALL TO ORDER

Mayor McFarland called the meeting to order.

2. APPROVAL OF MINUTES

A. Review and take action: Site Plan Review Minutes dated February 13, 2023

**Motion to approve by Lampe, Second by Konz.
Unanimous by voice vote**

3. BUSINESS

Mayor McFarland read the Item 3 A header, and called Mr. Zirbes to present the matter.

A. Initial Review - and Set Public Hearing Date: A rezoning requested to change the zoning on a portion of a parcel located at 713 Milford Street from Single-Family Residential Zoning to Planned Office and Institutional Zoning.

Mr. Zirbes presented the specifics in the February 20 letter shown below to the members for consideration.

Parcel PIN: 291-0815-0813-000

SITE DETAILS:

Acres: 32.54

Current Zoning: Planned Office and Institutional & Single-Family Residential

Existing Land Use: Institutional

Future Land Use Designation: Planned Neighborhood & Planned Mixed Use

BACKGROUND & APPLICATION DESCRIPTION:

The applicant is proposing to change the zoning designation of a strip of land along the northern edge of the property from Single-Family Residential Zoning to Planned Office and Institutional Zoning. The purpose of the rezoning is to align the Planned Office and Institutional Zoning District boundary with the north property line. The property line changed due to a Certified Survey Map adopted last year. The rezoning would put the entire parcel under the Planned Office and Institutional Zoning District.

STAFF EVALUATION:

Land Use and Zoning:

Nearby Future Land Use designations include Planned Neighborhood to the north and Planned Mixed Use to the south. The parcel itself exists partial in both the Planned Neighborhood & Planned Mixed Use Future Land Use Categories.

Nearby Zoning includes Single-Family Residential Zoning to the north and Planned Office and Institutional Zoning to the south.

Zoning Code

The zoning code requires the Plan Commission to conduct an initial review of the rezoning and schedule a public hearing before the Common Council.

Per Section § 550-141E:

E. Initial review by the Plan Commission and scheduling of Common Council public hearing. The Common Council shall not make an amendment to the Official Zoning Map without allowing for a recommendation from the Plan Commission per the provisions of this subsection.

(1) The Plan Commission shall schedule a reasonable time and place for a public meeting to hear the application within 45 days of the acceptance and determination of the complete application as determined by the Zoning Administrator. The applicant may appear in person, by agent and/or by attorney.

(2) Within 60 days after the public meeting (or within an extension of said period requested in writing by the applicant and granted by the Plan Commission), the Plan Commission shall schedule a public hearing before the Common Council.

OPTIONS:

The following are possible options for the Plan Commission:

1. Set public hearing date for March 21, 2023.

Mayor McFarland asked for questions or objections to setting the hearing date as requested. Hearing none, requested a motion to set the public hearing date.

Motion by Holloway to set the date for March 21, 2023 and seconded by Lampe.

Mayor asked for questions, and called the question. Unanimous by voice vote

Mayor McFarland opened Item 3 B and requested that Mr. Zirbes provide a description of the issues under review

B. Initial Review and Set Public Hearing Date: 407 S. Washington Street - Comprehensive Plan Amendment.

Mr. Zirbes presented the specifics in the February 20 letter shown below to the members for consideration.

A rezoning requested by Jerome Keeser to change the zoning on a portion of a parcel located at 407 S Washington Street from Two Family Residential Zoning to Central Business District Zoning.

Parcel PIN: 291-0815-0424-059

SITE DETAILS:

Acres: 0.32

Current Zoning: Two-Family Residential

Existing Land Use: Single Family Residential & Commercial

Future Land Use Designation: Two-Family Residential

BACKGROUND & APPLICATION DESCRIPTION:

The applicant is proposing to change the zoning designation of the eastern 6,514 sq ft of the parcel from Two-Family Residential Zoning to Central Business District Zoning. A Plan Amendment and Certified Survey Map related to the rezoning are also pending. This rezoning will run concurrently with the Comprehensive Plan Amendment. The parcel cannot be rezoned without adoption of the associated Comprehensive Plan Amendment.

STAFF EVALUATION:

Land Use and Zoning:

Nearby Future Land Use designations include Central Mixed Use directly adjacent to the south, as well as, across the street to the east and to the north. Two-Family Residential Future Land Use exists to the west.

Nearby Zoning includes Central Business District Zoning directly adjacent to the south, Neighborhood Business Zoning directly adjacent to the north, and Central Business District Zoning with a Planned Unit Development Overlay across the street to the east. Two-Family Residential Zoning exists to the west.

Zoning Code

The zoning code requires the Plan Commission to conduct an initial review of the rezoning and schedule a public hearing before the Common Council.

Per Section § 550-141E:

E. Initial review by the Plan Commission and scheduling of Common Council public hearing. The Common Council shall not make an amendment to the Official Zoning Map without allowing for a recommendation from the Plan Commission per the provisions of this subsection.

(1) The Plan Commission shall schedule a reasonable time and place for a public meeting to hear the application within 45 days of the acceptance and determination of the complete application as determined by the Zoning Administrator. The applicant may appear in person, by agent and/or by attorney.

(2) Within 60 days after the public meeting (or within an extension of said period requested in writing by the applicant and granted by the Plan Commission), the Plan Commission shall schedule a public hearing before the Common Council.

OPTIONS:

The following are possible options for the Plan Commission:

1. Set public hearing date for March 21, 2023
2. Set public hearing to a later date

Engineer Holloway stated her understanding of the request, listing in chronological order, each individual action, the reason for the specific action, the resulting end state.

Mr. Zirbes confirmed the end state configuration and then expanded by explaining the specifics of the owner's stated needs and original proposed property division solution which were not code compliant. He then described the changes Owner made with their proposed solution to develop a code compliant solution that would also satisfy their objectives which were restated by Engineer Holloway.

Mr. Konz verified the property address which triggered a further discussion on the land use designation in this area which lies between two differing land use designation areas.

Mayor McFarland explained that this issue of concern, in the past, was undesirable results have resulted in some rezoning of land use areas where the original approved planned land use operation had not come to fruition, but was instead, replaced by an undesirable land use operation in that specific area.

Mr. Zirbes listed all the land use categories that would be allowed in this Central Business proposed configuration if approved.

After due reflection a consensus by the members was established.

Mayor McFarland called for a motion to set the Public Hearing Date.

**Motion by Holloway to set the Public Hearing Date for the Comprehensive Plan Amendment on March 21, 2023, Second by Krueger.
Unanimous by voice vote.**

Mayor McFarland opened the item 3 C observing that this item, and item 3 B, have identical issues and is therefore dispensing with the item setup.

C. Initial Review and Set Public Hearing Date: 407 S. Washington Street - rezoning request from TR-6, Two Family Residence to CB, Central Business.

Mayor McFarland asked for any questions or a motion to set the Public Hearing Date.

**Motion by Holloway, Second by Lampe
Unanimous by voice vote**

4. ADJOURNMENT

Mayor McFarland asked for a Motion to Adjourn

Motion to Adjourn by Romlein, Second by Lampe

Unanimous approval by voice vote

Meeting closed at 4.52 p.m.

**Respectfully Submitted,
James W. Romlein Sr. PE
Recording Secretary**

Note: These meeting notes are uncorrected, and any corrections made will thereto be noted in the proceedings at which these minutes are approved.