

**PLANNING COMMISSION
MINUTES
JANUARY 8, 2008
848th Meeting**

The meeting was called to order by Chairman Wilmet in the Council Chambers of the Municipal Building at 4:00 p.m.

Members present: Wilmet, Behrens, Brown, Camplin, Rybicke, Vincent and Woods

Members absent: None

Others present: Rudy Bushcott, Brian Juarez, Edwin Bos, Sheldon Mielke and Bill Last

Item #1: Review and Approve Request for Conditional Use/Home Occupation Permit to Allow Twin Lakes Gun Works at 600 Robert Street.

Jeff Woods said the property is zoned R-1, single family residential, and this use is not listed under permitted or conditional uses. There is no parking allowed on that side of Robert Street, but there are two parking stalls in the driveway and parking on Taft Street. Since most of his business will be through the mail, there would be limited parking needs. The conditional use would be for Mr. Flannery at this location. The conditions of the home occupation are met and this is not a prohibited use, but a non-specified use that needs Planning Commission approval. Again, it would be for Mr. Flannery at this location.

Dean Brown asked if the conditional use could be restricted to the operations stated in the letter, and what if he wanted to expand the business? Jeff Woods said the conditional use could be restricted to those operations, and any change in the business would require the Planning Commission to modify the conditional use.

Motion by Dean Brown, seconded by Bob Vincent, to approve the conditional use and home occupation permits for Twin Lakes Gun Works at 600 Robert Street, contingent on restricting the operations to the three items listed in Pete Flannery's December 7, 2007 letter. The motion passed by a 7-0 voice vote.

Item #2: Review and Approve Site Plan for Building Additions at Master Drive, Inc., 701 Highland Avenue.

Jeff Woods said this parcel is zoned M-2, Heavy Industrial, and the plan covers a two-phase expansion onto the existing 150-foot by 150-foot building. Phase I is for a 130-foot by 70-foot addition with construction in the spring of 2008. Phase II is for a 130-foot by 170-foot addition, with no timetable for construction. The additions will be to the south and will match the existing material and building style. No additional signage or lighting is proposed. There is a problem with the existing lighting, but cut-off fixtures will be installed to correct the problem. The storm water will drain overland on the east and west sides to Highland Avenue, to the City's system. Twelve trees will be planted on the west side and the existing landscaping on the east side will be maintained. The building setbacks are met for the two additions, along with the lot coverage requirements.

Brian Juarez said the approval on the plan would expire in two years and asked if only Phase I wants to be approved. Edwin Bos, of Bos Design, asked that both phases be approved. If Phase II isn't built within the two years, it will be brought back.

Motion by Cwmn. Behrens, seconded by Dennis Rybicke, to approve the two-phase building additions for Master Drive, Inc., at 701 Highland Avenue. The motion passed by a 7-0 voice vote.

Item #3: Review and Approve Preliminary Certified Survey Map Creating Two Lots on Bark River Road (Extra-Territorial).

Jeff Woods said this will create one lot of two-acres and an outlot of 4.5 acres. The outlot must be held in ownership with Lot 1 or be transferred to an adjacent parcel. It cannot be sold as an individual lot. Our current Master Plan does not cover that far from the City. The Comprehensive Plan that is currently being developed, covers this area and designates it as agricultural/rural. This land use would fit. The City has no plans to annex lands and extend utilities in this direction, so it will be many years before City services are available.

John Wilmet said the reason for the change in coverage between the Master Plan and Comprehensive Plan is there was a change in the City's class and now our extra-territorial jurisdiction goes out three miles.

Motion by Bill Camplin, seconded by Cwmn. Behrens, to recommend to the Council to approve the Preliminary Certified Survey Map as presented. The motion passed by a 7-0 voice vote.

Item #4: Review and Approve Site Plan and Conditional Use for Caretaker's Apartment at 1201 Whitewater Avenue (tabled September 11, 2007).

A motion to remove this item from the table was made by Dean Brown, seconded by Dennis Rybicke, and passed by a 7-0 voice vote.

Jeff Woods said there were five items noted at the last meeting that needed to be submitted to continue this process.

- A detailed landscape plan needs to be presented: A plan was submitted showing 14 trees and shrubs along the front, along with the paved parking area along the front of the building.
- The access needs to come off of Fox Hill Road, which is shown on the plan.
- A completion schedule for the building: An original completion was fall/winter, but this will need to be revised.
- Unpaid invoices need to be resolved: The invoices have been placed on the tax bill, but the bill has not been paid.
- Investigation of water and sanitary utilities: Water and sanitary are in both Whitewater Avenue and Fox Hill Road, but to use Whitewater Avenue would mean detouring traffic and there is no good detour route.
- There is also the issue of two parking stalls and construction inspections.

Brian Juarez said the design and construction of the building would need to be reviewed again for fire separation, access, and other residential requirements.

Bill Last asked about the number of trees and shrubs. Brian Juarez said the total was correct, but there needed to be seven trees and seven shrubs. Bill Last added that he would get the sewer and water from Fox Hill Road. The construction would begin as soon as the weather got warmer, and completed by April, but the paving can't be done until the asphalt plants are open – that might be in April.

Bob Vincent said that he is concerned that there has not been a lot of progress on the outside. Bill Last said the only item remaining on the front is to finish the fascia. There were enough materials, but one of the rolls was the wrong color. He has gotten more and they are waiting for warm weather to finish it.

Bill Camplin said the south end of the building would be the apartment, what would the rest of the building be used for? Bill Last said the remainder of the building would be used for storage. It has not been partitioned off because no one has expressed interest in it yet.

Cwmn. Behrens said there was a certain urgency to complete this building, because it had been delayed for so long. Now it is being presented again and request to get it completed still needs to be made. Perhaps there should be some estimates to complete the work and then establish a Letter of Credit so that if the work is not completed, the City could take that money and complete the work.

Dean Brown said that he was sympathetic in that it is winter and some work can't be done, but there has been since April, 2006 to get it done. He felt the perimeters have not been met from the tabling, and that it should be tabled again and come back with additional information.

John Wilmet said the Letter of Credit would require Mr. Last to put an amount of money on deposit in his name and the City's, which the City could access to complete the work. A preliminary estimate was done on the landscaping, paving and laterals, and it was \$50,000. John Wilmet then asked the Commission members if they would be in agreement with the request if all the work were completed? Cwmn. Behrens said she felt the apartment does not belong there. Bob Vincent had a concern about the apartment also, but added if it is approved, there needs to be a completion date and a Letter of Credit. Bill Camplin said the first decision that needs to be made is if we want the apartment there, and what conditions need to be met if it is approved.

Motion by Cwmn. Behrens, seconded by Bob Vincent, to deny the conditional use permit for the caretaker's apartment at 1201 Whitewater Avenue.

Dennis Rybicke said this would have been an easier decision had the building been finished. Since the plans have changed, the building can't be finished until the decision is made.

Jeff Woods asked how this would effect the running of the business? Bill Last said this would change the type of person that he was looking for to run the business. This person will have to drive back and forth and manage the place from off-site. It will be more difficult, but it could be done. Maybe selling it would be the best option.

At this time the question was called and the motion to deny the conditional use was passed by a 7-0 voice vote.

Item #5: Approval of Minutes and Adjournment

A motion to approve the Minutes of the December 11, 2007 meeting was made by Dean Brown, seconded by Bill Camplin, and passed by a 7-0 voice vote. A motion to adjourn was made by Dennis Rybicke, seconded by Bill Camplin, and passed by a 7-0 voice vote. The meeting adjourned at 4:48 p.m.

Respectfully submitted,

Jeffrey L. Woods, Secretary