

Planning and Zoning Minutes

September 3, 2019

APPROVED at October 1 Meeting

Meeting Location: Saint Hedwig City Hall

Called to order at 7:02 P.M.

Secretary Fornof—Present

Commissioner Jones—Present

Commissioner Robinette—Present

Commissioner Mais—Present

Commissioner Maddox--Present

Commissioner Polasek—Absent

Alternate Commissioner Schaefer-- Present

Quorum established.

Topic 01: Reading and approval of Minutes for July 16 meeting

- Commissioner Mais noted that Commissioner Maddox was present at the July 16th meeting.
 - A motion was made to accept the July 16th minutes with the correction regarding Mr. Maddox presence. Motion carried.
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Topic 02: Reading and approval of Minutes for August 6th meeting

- Commissioner Robinette noted that subsection topic 10 needed to be corrected to read “ 15’ x 25’ instead of 50’ x 25’ regarding the size of out-building garages.
 - A motion was made to accept the August 6th minutes with the correction regarding Commissioner Robinette’s correction. The motion carried.
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Topic 03: Review the Planning and zoning Commission Log

- Secretary Fornof noted that we did not receive the packet for the plat regarding the Dry Hollow subdivision.
- Commissioner Jones noted a pre-built structure was moved to the 14700 block of FM 1346 and asked secretary Fornof what the permitting process was for pre-existing structures.
- Secretary Fornof responded that she would permit it like a manufactured home.

- Commissioner Jones noted that this is a 7-acre tract of land and there is already a pre-existing home on the property.
- Secretary Fornof requested the address so that she could check.
Might need a permit for renovation which includes electrical and plumbing for what they are going to renovate inside.

Topic 04: Citizens to be heard

- There were no citizens signed in to be heard.

Topic 05: Continued discussion of Ordinance conflicts

- Secretary Fornof briefed the commission on the updated permit fees that will go before the city council for approval.
 - Commissioner Jones stated that he did not see how this complied with the stated meeting agenda.

Topic 06: Continued discussion of Ordinance conflicts—Special Use--

- Commissioner Jones noted that we left off on page 23 from the previous meeting.
- Special use criteria
 - Commissioner Jones asked Secretary Fornof if she was aware of any conflicts
 - Secretary Fornof noted that this is somewhat confusing because it mixes the two home occupations and special use. Home occupations do not currently require a permit.
 - Noted that we touched on this in the child care section of the historical district.
- Secretary Fornof noted that one conflict regarding signage, noting item 9 of page 24.
 - Not sure how to enforce this?
- Commissioner Jones noted that it was not clear who (P&Z or City Council) would grant the permit. Does not see this addressed in this section.
- Secretary Fornof raised the question of if this section should be moved to another area of the ordinance?
 - Special use permit seems to coincide with the ownership of the land.
 - Commissioner Jones did not remember specifically but noted that the one occasion of the special permit use there was due consideration given to the minimal impact on the surrounding area.
 - Secretary Fornof was not able to clarify who has the authority to issue the special use permit (P&Z or Council)
 - Commissioner Jones noted that this will have to be clarified during the legal review in terms of what P&Z's role would be.

- Commissioner Robinette raised the question of why shouldn't P&Z have this responsibility and to cross check the limits of our involvement in the process.
- Commissioner Mais noted that in the conditions and guarantees the city council may stipulate such conditions. Should be corrected to read "must"
- Secretary Fornof noted that we need clarification on how the use is conveyed.
 - Should the new owner have to re-apply?
 - Generally, should have to stay with the business?

Topic 07: Continued discussion of Ordinance conflicts – Home Use

- Secretary Fornof suggested that we have a "hard break" at this point to out from under special use permits all together. It goes back and forth to special use.
 - Commissioner Jones noted that child care is mentioned again if it is kept to 6 children or less, is not district specific.
 - Possible conflict with the use table. Will need to be verified. Check the verbiage on page 15 "child daycare" home.
 - Should we consider having it in all zones?
 - Out of agreement with the table.
 - Will need to be resolved.
- Commissioner Robinette raised the question of how this ordinance is enforced?
 - Secretary Fornof noted that has not had to enforce this to date it would be a signage issue, a complaint would have to be made to the city.
- Commissioner Robinette noted further down in section F which is much more commercial in nature, not sure why it is even in this section.
 - What is "special residential use vs. special use?"
 - The intent does not seem clear; neither appear to be defined in the ordinance.
- Commissioner Robinette asked again why we even have a special residential use section.
- Secretary Fornof noted: under special use, a use that may be allowed if it meets certain specific requirements or conditions and meets the approval of city council.
 - Special residential use is not clear but may have intended to issue a permit. The wording is odd.
 - The entire question needs to be clarified by legal.
 - The issue of traffic is mentioned under item 5 of the criteria.
- Commissioner Robinette stated that he believes the section is necessary but permitting may not be enforceable. If it does come up there would be an avenue for resolution.
- Secretary Fornof raised the issues of signs.
 - Commissioner Maddox noted that a sign may be needed for package delivery. Agreed that no sign was necessary.
 - Commissioner Jones proposed that this is a good item to review at the workshop with the attorney and council to insure that the citizens interest is protected.
- Secretary Fornof is not aware of any complaints regarding the parking provisions of the section.

- Commissioner Robinette noted that once a Municipal Court is established that some of the non-issues today could become issues in the future based on how closely the ordinance will be enforced. We need to be careful.
 - Secretary Fornof noted that there is a provision in the ordinance that serves as pre-existing “as grandfathered”
 - Commissioner Robinette noted that that needs to be more of a bold statement
- Secretary Fornof noted that the existing ordinance is used in letters to request enforcement.
 - Noted some examples of people with dogs and vehicles in the yards.
- Commissioner Robinette asked if we should identify the areas that this will apply to by zone or should it apply everywhere? Or should it be moved to R2 or H1 as an example
 - Commissioner Maddox agreed that we should look more closely at this
 - Some areas of some cities base this on if the streets have curbs or not.
 - Needs to be defined somehow.
- Commissioner Jones noted that it does call it “General Provisions for off street parking”
- Commissioner Mais noted that there are considerable provisions for handicap parking under the federal ADA requirements.
 - Secretary Fornof noted that commercial projects have to register
 - Is part of the C of O requirements for commercial properties
 - Concluded that if handicap is present it needs to be done right.
 - Noted to add this subject for consideration at the workshop.

Topic 08: Continued discussion of Ordinance conflicts—Screening requirements—

- Secretary Fornof noted that there was a 6th zone that was alluded to in the ordinance but not clarified.
 - Problems that she has encountered have to do with the conflicts between zones.
 - Commissioner Robinette offered a hypothetical problem between A1R and R2 would he have to have a screen ¼ of a mile long between the properties?
 - What would happen in the future?
 - Secretary Fornof noted that technically he would have to put up a screen. It has never come up.
 - R2 and an industrial plant would not be compatible.
 - Noted that we should consider it being Commercial / industrial vs residential.

Currently the ordinance states that it is the responsibility of the less restrictive district.

- Secretary Fornof noted that she thinks the original intent was for this to be a dual use table.
 - We could modify it.
 - Commissioner Robinette is asking what the intent for this is?
 - Secretary Fornof noted that she was glad that it was there in the case of the Dollar General.
 - Commissioner Robinette noted that it needs to be clarified
 - Commissioner Maddox agreed.

- Between light industrial and commercial, there will need to be a boundary.
- Commissioner Robinette noted that we could just state “commercial/light industrial requires screening must be erected...” and everything else.
- Commissioner Maddox noted that we will need to consider provisions for 4h type projects for animal requirements.

Topic 09: Continued discussion of Ordinance conflicts—New and Unlisted uses

- Secretary Fornof noted that this is where the city attorney stated that there has to be an ordinance to have dual meetings because it relates to re-zoning. It is what we do now.
- Commissioner Jones stated that he does not see a need to change this area at this time.
 - Secretary Fornof questioned the need for affidavits in 2a and 2b.
 - C of O’s are only issued for commercial and light industrial not residential.
- Secretary Fornof called our attention to B. Which is a frequent occurrence, non-conforming lots of record. Based on if the lot was divided prior to the ordinance.
 - The question is “and is the same ownership” third line down on item b.
- Commissioner Robinette used a property as an example that was potentially subdivided illegally.
 - Typically, is referred to the BOA.
 - Commissioner Jones noted that when is everything. When was the property subdivided as it relates to the ordinance.

Secretary Fornof noted that it does not have to be the same owner. Question was raised is ownership secondary to timing?

Should we strike out the ownership section? Should it be based only on date?

- Secretary Fornof noted that does not currently permit inside the existing footprint of the home. More of an expansion of the square footage. Does not come up much.

A motion was made to table discussion of the Ordinance conflicts. (Midway through page 29) The motion carried.

Topic 10: Agenda Item 2 Discussion and take possible action of Dry Hollow Creek Plat request

- Did not receive the submission, they are going to try for the next meeting.

Topic 11: Establish date and agenda for next meeting

- Commissioner Maddox noted October 1, 2019 for the next meeting at city hall, 7:pm
 - Agenda items:
 - Continued discussion of ordinance conflicts
 - Minutes

- P&Z log
- Dry Hollow Creek plat request
- Assume that council will have their meeting on the 3rd.

Commissioner Robinette asked about the date for the workshop.

Looking like the first part of November.

Need to give the lawyers some lead time.

Would like to have a list of the changes created.

Topic 12: Announcements

- No announcements.

Motion was made to adjourn.

Motion carried.