

PLANNING COMMISSION

Minutes

June 21, 2007

I. ROLL CALL

Fred Walstrom	Absent
Andrew Bowman	Present
Jack Deegan	Present
Jeff Ford	Present
Mary Ellen Hughes	Present
Laura Kors	Absent
Sheryl McCleery	Absent
Peter Sears	Present
Sara Smith	Present

Also present were City Planner Larry Nix, City Attorney Jim Ramer and City Manager Fred Geuder.

Vice-Chairman Peter Sears called the meeting to order at 6:05 p.m.

II. MINUTES

Motion by Hughes, seconded by Bowman, to approve the minutes of the May 17, 2007, regular meeting, as presented. Motion carried.

III. PUBLIC COMMENT AND CORRESPONDENCE

None.

IV. NEW AND OLD BUSINESS

A. Public Hearing on Proposed Master Plan Update

Sears asked for any public comments.

Jim Grogan, a City Council member, commented that while he had been concerned with timeliness of the process, he wanted to compliment the Commission for a job well done. He also suggested that Chapters 8-9, be distributed to all of the City Boards and Commissions.

Mayor Jean Jardine asked if there had been comments from any of the governmental jurisdictions.

The City Manager stated that no comments had been received.

No other public comments were received.

Sears closed the public hearing.

B. Consideration of a Master Plan Resolution

The City Manager noted that Planner Larry Nix had supplied a resolution for the Planning Commission to adopt the plan. This resolution would give the Planning Commission's approval of the plan and a recommendation to City Council to adopt the plan. The resolution requires a 2/3 vote of the Commission.

Motion by Smith, seconded by Deegan, to adopt a Resolution to approve the Master Plan and to recommend approval of the same to the City Council.

Ayes: Smith, Bowman, Deegan, Ford, Hughes, Sears

Nays: None

Absent: Walstrom, Kors, McCleery

Resolution declared adopted, 6-0.

C. Consideration of SPR-2007-03, Proposed Retaining Wall in the Restricted Area of the Bluff, 333 E. Third Street

The City Manager basically reviewed the proposed plan, noting the various requirements shown on the plan as designed by the Engineer for the retaining wall company, MDC.

Planner Larry Nix commented that he and the City Manager had walked the property and generally it appeared to be a good plan. Nix asked where the wall drain outlets would drain to.

Engineer Jamie Johnson, on behalf of the applicant, stated that the drainage should be minimal and was designed to relieve pressure from the retaining wall. He said the drains could go to either a drywell or could go to the Storm Sewer on East Third.

The City Manager noted that the Storm Sewer is across the street. Nix suggested that a drywell may be more appropriate.

Nix also suggested that all requirements shown on the plan be adhered to.

Motion by Deegan, seconded by Bowman, to approve SPR-2007-03, with the following conditions:

1. That all restrictions and construction notes as shown on the plan be adhered to;
2. That the Landscape Plan be submitted to the City Manager for approval before moving forward with the plan.
3. That the drainage plan be submitted to the City Manager for approval.

Motion carried.

D. Consideration of an Amended Special Use Plan, SLU-2007-02, Holy Childhood Parish Hall

The City Manager noted that the Zoning Board of Appeals had approved the height variance for the narthex addition to the church, but not the variance for the Parish Hall. The church asked for approval for an amended plan which would be within in compliance for height.

Dan Gorman, on behalf of Holy Childhood, said that the previous plan was basically for a 60 x 100 structure. The revised plan is for a 50 x 120 structure so that the 12/12 pitch will still be the same as the rest of the building. Gorman noted that the covered drop-off area was eliminated, but that the proposed plan was still within required setbacks.

Planner Larry Nix noted that the plan was in compliance. His one suggestion was to reduce the size of the driveway going by the door to 25-26' in width, rather than the 28' shown, so as to provide more room for the screening plan that is still very important to the project.

Motion by Deegan, seconded by Hughes, to approve the amended plan for the Parish Hall as part of SLU-2007-02, noting that all previous conditions are still in effect, and with a condition that the drive area going by the Parish Hall be reduced to 25-26' in width.

Motion carried, 6-0, by roll call vote.

E. Discussion of Zoning Code re: Civil Infractions

The City Manager noted that City Attorney had prepared a memo for review of the City Council following comments made by the Planning Commission in May.

City Attorney Jim Ramer reviewed the effects of a change to having zoning violations be civil infractions, rather than criminal. Ramer noted the following differences:

1. The standard of proof with a civil violation is preponderance of evidence, not "beyond a shadow of a doubt," so it is easier to prove a case.
2. The maximum fine in a criminal violation of this nature is limited to \$500; in civil cases, the fine can be higher.
3. The City is able to collect a portion of costs in a civil case; this is not true in a criminal case.
4. The judge has better powers to enforce a civil violation.
5. If a fine or costs are levied, the City can place a lien on the property in a civil case, which is not true in criminal cases.

Jack Deegan asked whether there is any downside to the change. The City Attorney said he saw no downside.

Dennis Wiggins noted that the fine for a first violation is \$2500, and asked if it should read “up to \$2500.”

After some discussion, Deegan suggested that the minimum fine be \$500, and up to \$2500 for the first violation. The Planning Commission by consensus agreed.

The City Manager said that this could be ready for public hearing in July, and the consensus of the Planning Commission was to proceed.

V. MEMBER COMMENTS

None.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:00 p.m.. The next regular meeting is scheduled for Thursday, July 19, 2007, at 6:00 p.m.

Frederick W. Geuder, City Manager