

Planning and Zoning Minutes Oct 21th, 2008

Present: Pete Linville, Mike O'Neill, Russ Barney

Commission approved the meeting minutes with an amendment

Business Licenses: Continuation of the proposed Mexican market in basement of 182 N. Main St. met with the building inspector and it was determined that the applicant would need to reduce the square footage of the market and in doing so would offset the mercantile requirement for occupancy load and the ADA regulation for existing buildings. The building inspector will need to work closely with the applicant to allow for a final inspection approval.

Owner representative, David Slivinski asked the commission to grant a temporary business license until the final inspection was completed. The request was denied.

Erv Schmidt/ Lot Split The staff report was read into the record by Cari Golden. Staff concerns included issues concerning the non conformity of the building inside the pit, the intersections access to the Old Jackson Highway, and the requirements of the service commercial zone.

The staff report introduced a letter from DEQ written at the time the building was permitted with requirements and concerns dealing with the Willow Creeks well head protection. These concerns limit uses for the future. The property should be big enough to master plan and have other options of use. Staff recommended denial of the proposed size of lot to include more land and fit the zone requirements, fix the approach to the Old Jackson Highway, and address the requirements that all buildings in the SC zone are to be connected to city water and sewer.

Mr. Schmidt addressed the commission and expressed his concerns. He feels the city is trying to impede his ability to use his property. He got a lot split in 2002 and he was not required to make any adjustments to the approach. Had there been a problem then, he would have made the adjustment then. He expressed his displeasure of past actions and dealings with the city and his dealings with applications then.

The public portion of the hearing was opened for comments. A neighbor, **Troy Barry** talked of his concerns about the lack of planning in the area for the future. He felt that the lot split was too small for the zone. He wanted to see a master plan for the area

Mr. Schmidt rebutted and commented that the plan for the future is what is there. It was not going to change. The master plan is to stay as it is.

Pete Linville explained that the area needs to be master planned, it's a sensitive area being in the flood plain and he feels the service commercial zone is the wrong zone for this area.

Russ Barney stated that it was not in their ability to split this lot with the requirements and issues attached to it. It's a non conforming of and allowed to stay as such if it is not changed in size. Until it comes into compliance its an undividable lot.

A motion was moved and seconded to deny application LS2008-2 for issues dealing with the FEMA flood plain, non compliance to the service commercial, and the Victor Development Ordinance. The vote was passed unanimously.

Trail Creek West/ Staff report was presented by Bill Knight. The lots are in compliance but he felt they were narrow. There might be some challenge to the size but we should let the applicant be creative and see what he presents. He felt it was a good attempt for a first try.

Randy Blough representing the applicant explained the project containing 33 single family lots, 4 buildings of 19 units for the multi-family allotment. They would be ROW house type units. The fire marshall wants a wider road in the alley for the Creekside block. Harmony engineering has already done a study on the flood plain area and will be submitting a CLOMR (conditional letter of map revision) to FEMA. They will supply the elevations certificates and will need to go through the special use hearing process.

Builders will submit their own design plans that will clear through a design review committee. The developers refer in the CC&R's to the lighting ord, the solar airspace ord. and the TND to guide the design of the buildings.

Some of the concerns of the commission are the 16ft. roads. One thing to be aware of for the developers agreement would be the snow removal and the requirement of the HOA to contract the removal of excessive snow bank build ups.

The meeting was adjourned.

P&Z Administrator - Cari Golden

P&Z Chairman- Mike O'Neill