

**MINUTES OF THE SPECIAL MEETING
OF THE ZONING BOARD OF APPEALS
March 15, 2018**

1. CALL TO ORDER

Vice Chairman Martin called the meeting to order at 7:01 p.m.

2. PLEDGE OF ALLEGIANCE

Vice Chairman Martin led the Pledge of Allegiance.

3. ROLL CALL

Present: Vice Chairman Richelle Martin, Tom Blount, Dennis Jackson, Teresa Richey, Barb Yockey and Bob Tanis

Absent: Chairman John Lengemann and Earl Gass

Also Present: City Manager Tom Youatt, Zoning Administrator Gyrome Edwards, Ken Knuckles from DMG, LLC, Keith Goodreau property owner of parcel # I19-83-207-100-20, and two residents.

4. APPROVAL OF AGENDA

Moved by Yockey, seconded by Richey, to approve the agenda as presented.

Motion Carried 6 – yeas; 0 – nays

5. APPROVAL OF MINUTES

Moved by Blount, seconded by Jackson, to approve the minutes of the December 28, 2017 Regular Meeting as presented.

Motion Carried 6 – yeas; 0 – nays

6. CITIZENS FROM THE FLOOR

None

7. PUBLIC HEARING

A. VARIANCE REQUEST – Browning Development Solutions, LLC 715 S. Cedar Street Parcel ID # I19-83-207-100-20

- 1. Variance from Article 2 Section 2.23 C – to allow a reduction in the setback for a trash enclosure from a non-residential property line.**
- 2. Variance from Article 20 Section 16 B- to waive the requirement for additional parking spaces.**
- 3. Variance from Article 20 Section 16 C – to allow portions of the proposed parking spaces along north and south property lines to be situated closer than the 20' requirement.**

Vice Chairman Martin Opened the Public Hearing at 7:04 p.m.

Motion by Yockey, seconded by Blount to accept the notices and publications.

Motion Carried 6 – yeas; 0 – nays

Ken Knuckles with DMG, LLC for Browning Development Solutions, LLC (Purchaser) addressed the Board. Mr. Knuckles stated he was here to discuss the vacant property between Chemical Bank and Taco Bell. They are proposing an Arby's restaurant with a drive-thru. They are requesting three variances. The first one is a 10' parking setbacks instead of 20' setback. Mr. Knuckles noted that both adjacent buildings to the north and south of this property do not have 20' setbacks. Second variance is they need three additional parking spaces according to the ordinance. They have 33 for regular customers and employees, ordinance requires three additional parking spots for the drive-thru. They do not have room for three additional spaces, Arby's use normally 25 to 30 parking spaces and this building will seat 45 people inside. Mr. Knuckles stated they are requesting the Board to waive the three additional parking spaces. The third variance request is for the trash enclosure. They are planning on placing the trash enclosure at the back of the property near the private drive, it will be 3' from the drive. Mr. Knuckles stated there is limited space in the depth of the property and if they move the enclosures then they lose parking spaces.

Board Member Yockey inquired as to where the property line was on the site plan and what the enclosure would look like. Mr. Knuckles showed where the property lines were and stated the enclosure would be masonry that would match the building, typically the enclosure is 7' tall and would enclose a 4 to 6 yard receptacle and there is a gate on the fourth side. Mr. Knuckles stated they can provide some landscaping also.

Board Member Jackson inquired if the receptacle would be too close to the street or neighbors. Board Member Blount stated that the receptacle will be across the street from a retention basin where nothing can be built on in the future and the parking spaces are next to other parking spaces from adjacent businesses. Board Member Blount also stated the property meets all the normal boundaries but with a drive-thru they do not.

Zoning Administrator Gyrome Edwards inquired as to what the landscaping would be and stated there is nothing worse than stacking up at the drive-thru but feels the parking spaces by the drive-thru could be used as the drive-thru overflow. Mr. Knuckles stated it would be 6' plantings that are evergreen but not large conifers on three sides in order to soften and conceal.

City Manager Tom Youatt addressed the Board stating there was an addition to the packet which is a letter from Alan Bean at Spicer Group stating his thoughts and recommendations.

Vice Chairman Martin Closed the Public Hearing at 7:23 p.m.

Board Member Yockey stated the analysis portion of the letter from Alan Bean at Spicer Group stated the ZBA could request landscaping around trash receptacle. Board Member Blount stated the Board needs to keep in mind that landscaping is a long term commitment for the business with maintenance and upkeep and stated the exterior of the enclosure would match the building.

Motion by Yockey, seconded by Jackson to grant a variance from Article 2 Section 2.23 C – to allow a reduction in the setback for a trash enclosure from a non-residential property line with additional landscaping to help screen trash enclosure.

Roll Call Vote

Ayes: Jackson, Martin, Richey, Yockey, Blount, Tanis
Nays: None

Motion Carried 6 – Yeas, 0 - Nays

Motion by Richey, seconded by Tanis to grant a variance from Article 20 Section 16 B- to waive the requirement for additional parking spaces as requested.

Roll Call Vote

Ayes: Jackson, Martin, Richey, Yockey, Blount, Tanis

Nays: None

Motion Carried 6 – Yeas, 0 - Nays

Motion by Tanis, seconded by Yockey to grant a variance from Article 20 Section 16 C – to allow portions of the proposed parking spaces along north and south property lines to be situated closer than the 20' requirement as requested.

Roll Call Vote

Ayes: Martin, Richey, Yockey, Blount, Tanis, Jackson

Nays: None

Motion Carried 6 – Yeas, 0 - Nays

8. **OLD BUSINESS – none**

9. **NEW BUSINESS - none**

10. **ADJOURNMENT**

Motion by Blount, supported by Richey, to adjourn at 7:34 p.m.

Motion Carried 6 – yeas; 0 – nays

Respectfully Submitted by:

Anne McAvoy
Deputy Clerk/Utility Billing Clerk

Approved: