

Call meeting to order on March 12, 2019 at 5:30 PM:

Roll Call: Mary Benton ☒ Charles Jennings ☐ Mell Kuhn ☒ Andy Paton ☒ Dr. Scott Rogers ☒
Dotty Smith ☒ Chris Tackett ☒ Brian Wells ☐

Also present at roll call was Public Information Officer Andrew Lawson, Principal Planner Josh White, City Commissioner Duane Oestmann and numerous members of the public. The applicant was represented by Jason Wolff of Meridian Restaurants Unlimited.

1. Declaration:

At this time I would like to ask the Planning Commission members to make a declaration of any conflict of interest or of any Ex parte or outside communication that might influence their ability to hear all sides on any item on the agenda so they might come to a fair decision.

No such declarations were made

2. Public Comments:

Persons who wish to address the Planning Commission regarding items not on the agenda. Speakers will be limited to three minutes. Any presentation is for information purposes only. No action will be taken.

No members from the public brought any comments for items not on the agenda.

3. Consent Agenda:

Meeting Minutes, **September 11, 2018 meeting.**

A motion was made by Benton and seconded by Paton to approve the September 11, 2018 meeting minutes as written. Voice vote carried the motion.

4. Hold a public hearing to consider a request for a rezone from a C-2-Restricted Commercial District and an R-2-Medium Density Residential District to a C-3-General Commercial District at 1408, 1418 & 1420 N 1st Street.

Jennings joined the meeting in progress. Paton made a motion to open the public hearing. The motion was seconded by Tackett. Voice vote carried the motion. Rogers opened the public hearing by first asking staff for a report. White presented the staff report. Staff recommended approval of the rezone request as long as a privacy fence is added along 1st Street, and lighting is directed away from the neighboring properties. He also stated the reason for the request for a C-3 instead of C-2 and that was so that it was consistent with the property at 1419 N Summit to which these properties would be combined for this project. White also stated that staff believed any adverse effects to neighboring properties could be mitigated by site restrictions. Kuhn noted that the preliminary site plan wasn't in the packet and White acknowledged the omission. Staff kept the preliminary site plan up on the powerpoint presentation during the hearing. Ken Harader of 1313 N 1st Street discussed his experience of living on 1st Street and Family Dollar and had concerns that this neighborhood would experience the same issues including increased trash, and increased traffic on 1st Street due to the exit. He also added that foot traffic would be increased. Anthony Butt of 1421 N 1st Street had concerns about the location of the dumpster, increased traffic on 1st Street and increased noise. He also noted he spoke with his neighbor at 1417 N 1st who was unable to come due to the bad weather during the hearing. Her property would be across from the 1st Street drive. Kuhn asked how neighbors were notified of this action. White clarified that all property owners were sent a notice that lived within 200 feet of the properties that requested the rezone. Smith asked for clarification of the site plan. White and fellow commissioners clarified what was shown on the plan. Charles Tweedy of 1023 N A Street expressed concerns about traffic on both 1st Street and Summit Street. Kuhn inquired about a traffic study. White stated he didn't have the numbers in front of him and deferred to the applicant. Paton asked for the reasoning for the 1st Street exit. White stated it was to reduce the amount of traffic exiting onto Summit Street. Jason Wolff of Meridian Restaurants Unlimited addressed some of the concerns that had been noted so far. He felt the project would be an improvement to the area and would be a \$2 million structure. Kuhn asked if this was a franchise. Wolff replied

yes it was a franchise for Burger King. Kuhn expressed concern that the south drive didn't follow traffic standards for drives near intersections. White replied while it was not ideal, it was difficult to otherwise provide adequate access to this property. Wolff acknowledged that left turns from the south drive would be nearly impossible and would have no issue with a right out only exit. He also stated that most traffic would be drive thru (80 percent) who would likely exit onto Summit Street. Kuhn asked about daily traffic again. Wolff replied it was dependent on sales but estimated at 480 vehicles per day and 100 cars during the peak lunch period (11-2). Kuhn asked if other locations were discussed and expressed his concern about this location. Wolff said they had a separate real estate broker acquire the properties and determine the location. Smith asked about the delivery truck. Wolff said he could direct the delivery trucks to exit to Summit Street instead of 1st Street. He was asked about closing the 1st Street exit and felt that this would likely cause circulation issues on the site itself. He did state that he could look at the possibility of eliminating the 1st Street exit if needed. Jennings acknowledged that Summit Street was inadequate and so 1st Street was used to relieve some of the issues. He also stated that there was no easy solution due to high costs to properly fix the Summit Street issues. Some discussion was held on the ongoing need to use the side streets to alleviate traffic along Summit Street. Smith said we also cannot use this issue to stop development. General consensus was that she was correct and that was not the desire of the planning commission. Butt reapproached to request considerations of an additional privacy fence along the north line of the property in addition to the other property lines. Jennings made a motion to close the public hearing. An additional person wished to speak so he withdrew the motion. City Commissioner Oestmann expressed his concern about Summit Street and this particular location. He did express he supported additional businesses in town. Rogers made a motion to close the public hearing. Jennings seconded the motion and voice vote carried it. Rogers closed the public hearing and opened up deliberations. Tackett said he understood the concerns and felt 1st Street was a good option for an exit to alleviate concerns of turning left on to Summit Street. He also argued that headlights already shine onto 1st Street properties from the car wash. He felt the addition of a new restaurant would also stretch out the traffic and could possibly alleviate congestion since there are more choices. Smith reminded the commission that we don't have the same options as with McDonalds and Braums because they are not on a corner lot. She agreed with the idea to force right turns on the south drive. She didn't like any left turns on Summit Street but understood that is not realistic. Paton made a motion to recommend the City Commission approve the request for a rezone from a C-2: Restricted Commercial District and an R-2: Medium Density Residential District to a C-3: General Commercial District at 1408, 1418 & 1420 N 1st Street. Benton seconded the motion. Kuhn and Smith expressed concerns about not adding restrictions. Paton felt that restrictions should be under the purview of staff. Rogers did express interest in pursuing a fence along the north property line of 1420 N 1st St. Kuhn felt the city should look to site alternatives. Jennings felt that exploring other sites was not under the purview of the Planning Commission. Kuhn reiterated some of the concerns brought by the public at the hearing and his concerns. Jennings called the question. The vote was taken was roll call.

Yes: Benton, Jennings, Paton, Rogers, Smith, and Tackett **No:** Kuhn **Abstentions:** None **Not present:** Wells
Rogers declared the motion passed. He reiterated this was a recommendation and that the City Commission would have the final decision. White stated the City Commission would take up the item on April 2.

5. Other Items: There is no business to go before the Board of Zoning Appeals

White did report that an April meeting will be needed for a work session to discuss zoning amendments and he had a possible application for a variance as well.

6. Adjournment:

Rogers made a motion to adjourn the meeting, Jennings seconded the motion. Voice vote carried the motion. Meeting adjourned at 6:45pm.