

PLANNING COMMISSION
Regular Meeting
Council Chambers
100 W. Spring Valley Road
Tuesday, February 25, 2020

At 7:00 p.m., Mr. Clark called the meeting to order and led the Pledge of Allegiance.

ATTENDANCE

Members Present: Paul Clark, Kevin Von Handorf, Robert Muzechuk, Bill Etson, Amy Korenyi-Both, and Don Stewart.

Also present were City Planner Mark Yandrick, Municipal Attorney Scott Liberman, Development Director Michael Norton-Smith, and Assistant Clerk of Council Donna Fiori.

Absent: James Durham.

EXCUSE ABSENT MEMBERS

Mr. Durham informed Commission and staff at the previous meeting that he would be absent on this date.

MOTION: Ms. Korenyi-Both made a motion to excuse the absence of Mr. Durham. Mr. Von Handorf seconded the motion. The motion passed 6-0.

APPROVAL OF MINUTES

No additions or corrections were submitted for the minutes of the Planning Commission meeting of January 28, 2020.

MOTION: Mr. Stewart made a motion for approval of the minutes of the Planning Commission meeting of January 28, 2020. Mr. Muzechuk seconded the motion. The motion passed 6-0.

PUBLIC HEARINGS

**Application P-2020-0002: Variances, 1742 South Metro Parkway
Montgomery County Environmental Services**

Mr. Clark inquired of Mr. Liberman if he should recuse himself since his employer is Montgomery County. Mr. Liberman stated if Mr. Clark did not work for the applicant Montgomery County Environmental Services there would not appear to be a conflict. Mr. Clark indicated he did not and therefore would remain in the meeting.

Mr. Yandrick presented the staff report with a presentation of each variance request, background information, site specifics, staff analysis, and standards of approval.

Applicant is requesting four variances which include:

1. Requesting a front yard fence height of 6 feet.
2. Requesting a chain link fence in the front yard.
3. Requesting a sign incorporated onto a roof.
4. Requesting a total wall sign area of 10,165 sq. ft.

Mr. Yandrick indicated this request is related to a second proposed water tower to be built on the property. A variance was granted in 1996 for fencing surrounding the first water tower. Mr. Yandrick stated the original variance cannot be used for this request since it was related to that specific site plan.

The applicant is proposing to construct a 6' high chain link fence in the front, side and rear yards in line with existing fencing visible off of South Metro Pkwy required for security. The applicant is also proposing 10,165 sq. ft. of signage, including a sign on the existing water tower.

Mr. Clark inquired if areas of the existing fence needing repair should be included if this fence variance were approved. Mr. Yandrick stated he and Mr. Brinegar would work with the applicant if such repairs were needed.

Commission and Mr. Liberman reviewed various aspects of the Memorandum of Understanding between Montgomery County and the City. Concerns relating to the agreement were discussed.

Mr. Etson inquired about the Industrial Planned Development zoning district screening and mounding requirements. Mr. Yandrick stated what is currently at the location is consistent with the requirements.

Ms. Korenyi-Both asserted that Commission should be consistent in granting variances especially in light of the fact Vectren was denied a chain link fence variance siting there was no practical difficulty. Mr. Yandrick indicated variances are not precedent setting although there is value in consistency.

Ms. Korenyi-Both expressed opposition to a sign on the roof. Mr. Norton-Smith stated this presents an opportunity with advances in technology for aerial/drone recognition of the City and would not be visible from the ground.

Mr. Von Hondorf inquired if other fences could serve the same purpose, similar to the nearby Vectren chain link variance request as the same arguments would apply. Mr. Liberman referenced the 1996 chain link variance request for this property and that commissioners took into consideration deference for a utility or governmental unit at that time. Commission could dictate a different fence for the new area of fencing being requested but cannot dictate a change in the existing fence.

Discussion occurred on tabling the item.

Mr. Clark opened the public hearing.

With no one requesting to speak on this matter, Mr. Clark closed the public hearing.

MOTION: Ms. Korenyi-Both made a motion to table Application P-2020-0002. Mr. Etson seconded the motion. The motion failed 3-3.

Discussion occurred on requiring the construction of the second water tower as a condition of each of the variances.

MOTION: Mr. Von Handorf made a motion to approve variance #1 with a condition that the variance approval is contingent on the second water tower being constructed. Mr. Muzechuk seconded the motion. The motion passed 6-0.

MOTION: Mr. Von Handorf made a motion to approve variance #2 with a condition that the variance approval is contingent on the second water tower being constructed. Ms. Korenyi-Both seconded the motion. The motion failed 0-6.

MOTION: Mr. Stewart made a motion to approve variance #3 with a condition that the variance approval is contingent on the second water tower being constructed. Mr. Etson seconded the motion. The motion passed 5-1.

MOTION: Mr. Stewart made a motion to approve variance #4 with a condition that the variance approval is contingent on the second water tower being constructed. Mr. Muzechuk seconded the motion. The motion passed 6-0.

COMMUNICATIONS

Mr. Yandrick notified Commission there are currently no external items for the March meeting, however, there are 20-25 small UDO Text Amendments being composed. Mr. Yandrick inquired of Commission if a staff report would be sufficient to report on the items since they are small and not comprehensive changes. Mr. Clark stated a staff report would be sufficient unless the items got too extensive then a presentation would be warranted.

Mr. Yandrick discussed the LEAN Process currently being conducted on the Major Site Plan application process.

Mr. Clark congratulated Mr. Durham on accepting another term on the Planning Commission.

ADJOURNMENT

Seeing no further business, Mr. Clark adjourned the meeting at 7:41 p.m.


Kevin Von Handorf, Vice-Chair