

**MACEDONIA PLANNING COMMISSION
MEETING MINUTES
JANUARY 13, 2014**

CALL TO ORDER

Mayor Kuchta called the meeting to order at approximately 5:30 p.m.

ROLL CALL: Present were Mayor Kuchta, Ms. Darrow, Mr. Mauk, and Mr. Westbrooks. The staff members present were City Planner Brian Frantz, Fire Inspector Don Bell and Assistant Building Commissioner Dennis Saxe.

PROPOSED WALL MOUNT SIGN FOR SALLY BEAUTY SUPPLY AT 8210 MACEDONIA COMMONS BLVD.

City Planner Brian Frantz read the memo he prepared for the meeting. Mr. Mauk asked the applicant if she was willing to cut the letters of the sign to comply with the code. The applicant had made revisions prior to the meeting and presented the commission with an updated proposal as well as an authorization letter from the land owner approving the signs. The applicant also stated that they did not have a copy of the master sign code, so after requesting the information, they made adjustments to the proposal to get approval. The revision of the sign cut down the square footage of the sign to comply with Mr. Frantz's request. The applicant also pointed out that the letters themselves are thirty inches and do not exceed the allowable size. The applicant explained that the Sally's logo, however, is thirty six inches and the tenants would like to keep the logo the same size. The applicant stated that they have corrected all issues that were addressed in Mr. Frantz's memo. Mr. Frantz said the applicant has addressed all the concerns he pointed out with the exception of the size of the letters being thirty inches. Mr. Frantz explained that according to exhibit A of the development criteria, all signs must be a minimum of twenty four inches and a maximum of thirty inches in height and sign letters can be on two lines. This would require an exception to the sign criteria for the miscellaneous stores that was established by the planning commission on September 4th, 1994. The applicant questioned if even though they had made revisions, the proposal was still not going to pass without a variance. Mayor Kuchta asked the applicant if the letters were thirty inches and the logo was thirty six inches. Mr. Frantz explained that from the base of the 'B' in Beauty to the top of the 'S' in Sally, the sign measures thirty six inches, but only thirty inches is allowed maximum, even if it is on two separate lines. The applicant then provided the commission with another revision. Mr. Frantz explained that the revised proposal still does not comply with the code; it is still thirty six inches. The total height of the sign cannot exceed thirty inches, even if it is on two separate lines. Both lines together cannot exceed thirty inches. Mayor Kuchta reminded the applicant that there is always the option of going to the Board of Zoning Appeals and applying for a variance. The applicant informed the commission that they are not interested in a variance and will opt to cut the sign down to comply. Mr. Westbrooks told the applicant that the commission can approve the sign with the stipulation that they reduce the sign to comply with the code, assuming everything else complies. Mr. Saxe informed the commission that the building department will not issue a permit until it is confirmed that the sign has been reduced down to the allowable size of thirty inches. Mr. Westbrooks made the motion to approve the sign as submitted with the condition that the overall sign high does not exceed thirty inches. Ms. Darrow seconded the motion and all members voted in favor.

END OF TOPIC

PROPOSED WALL MOUNT SIGN FOR ORIGINAL MATTRESS FACTORY AT 8266 GOLDEN LINK BLVD.

City Planner Brian Frantz read the memo he prepared for the meeting. Mr. Westbrook asked the applicant if the previous tenants were Gold Guys and Windstream. The applicant replied that he was not sure who the previous tenants were. Mr. Westbrook made the motion to approve the proposal as submitted. Mr. Mauk seconded the motion and all members voted yes.

END OF TOPIC

DISCUSSION REGARDING AMENDING THE USE REGULATIONS IN A B-4 ZONING DISTRICT AND MAKING A RECOMMENDATION TO COUNCIL

Mayor Kuchta discussed the only B-4 zoned area in the city, which allows highway use, has not had a lot of successful tenants. City Planner Brian Frantz discussed the limited allowable uses in the B-4 area. He explained the Building Commissioner had approached him and wanted to create a mechanism to allow more uses in the B-4 area without rewriting the code. This would give the planning commission flexibility with determining allowable uses. Mr. Frantz suggested a similar use determination. Macedonia does not have that terminology in the code, most likely because the code is fairly older and this approach was not around when the code was written and was not amended in. Mr. Frantz believes this is beneficial to the commission to have the ability to do. He explained how the approach would work. If the planning commission is presented with a certain use, the planning commission goes through a process evaluating that use determining if it is a similar use to the uses allowed in the business district. The planning commission, through a conditional use process, can amend the B-4 district to allow that use. It is referred to as a similar use determination. Rather than trying to guess what uses may work for the B-4 district it gives you flexibility through the conditional use process. Once the commission goes through the process and determines that a particular use is acceptable in a B-4 district that effectively amends the uses allowed in a B-4 district. Therefore if another business of the same nature wants to come into the B-4 district, they do not have to go through the process, it can simply be approved. Ms. Darrow informed Mr. Frantz about her encounter with the property owners located in the B-4 district. The owners informed Ms. Darrow that they had lost two tenants due to the zoning code, one being a groomer and another being a flower shop, this is what caused Mr. Hlad to be approached. Mayor Kuchta asked Mr. Frantz if every time a new business was to request a conditional use permit for the B-4 district, would they have to go through council. Mayor Kuchta also talked about the failure of businesses to succeed in the B-4 district, but appreciates the efforts the building department has taken to expand the uses to allow a larger variety. Mr., Frantz clarified that each specific use will only have to go through the conditional use permit process once. Also, he stated that proposal to amend the zoning code to the language he prepared would only go through council once. They will discuss the policy and not a particular business use. If council approves, then they are no longer needed for the subject matter, the applicants will only have to go through the planning commission to seek approval. Once the conditional use permit is approved, the proposal is granted. Mayor Kuchta discussed the issues of allowing a certain use in the district and having previous applicants upset because they were denied from establishing a business there due to zoning. Mr. Frantz recommended that the planning commission request to formally amend the agenda to contain the discussion and then a recommendation to council to include this amendment into the code. Mayor Kuchta mentioned that they would need legislation as well to proceed. Ms. Darrow made the motion to amend the agenda to include the discussion. Mr. Westbrook seconded the motion and all members were in favor. Mr. Westbrook asked Mr. Frantz if the only other option would be to amend the code to include many different use options and types of business that might come to the planning commission, which would be impossible to predict. Mr. Frantz and Mr. Saxe

agreed that the similar use determination would be the best way to go. Mayor Kuchta asked if this was only specific to the B-4 zoning district or if it was going to pertain to every zone. Mr. Frantz confirmed that it was only for the B-4 district. Mr. Saxe explained that in a B-1 district it allows certain uses, then in a B-2 district it allows all of B-1's allowable uses and several others, then in a B-3 district it allows all uses in a B-2 district and then some more, but once you get to a B-4 it is very limited. Mr. Frantz explained that newer zoning codes don't typically do the Euclidean approach or trickledown effect that is present in the B districts. Mr. Frantz also discussed in regards of uses, the B-1 district is typically your least intense commercial district, usually the least intensive and most restrictive in number of uses. As you go up through the B-2, B-3 and eventually B-4, it tends to be more wide open because it is a more intense district located usually around highways. Ms. Darrow made the motion to recommend the code change to council. Mr. Mauk seconded the motion, all members were in favor.

END OF TOPIC

ADJOURNMENT

Ms. Darrow made a motion to adjourn at approximately 6:05p.m. Mr. Westbrook seconded the motion, all members voted yes and the meeting was adjourned.