

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

Wednesday, August 5, 2020

Virtual Meeting

The Zoning Advisory Commission met at 6:00 p.m. on Wednesday, August 5. Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually.

**Commissioners Present:** Chairperson Martha Christ; Commission Members Steve Baumhover, Rebecca Kemp, Brittany Loeffelholz, Matthew Mulligan, Pat Norton and Rich Russell

**Commissioners Excused:** None

**Commissioners Unexcused:** None

**Staff Members Present:** Wally Wernimont, Guy Hemenway, Travis Schrobilgen and Jason Duba

**CALL TO ORDER:** The meeting was called to order by Chairperson Christ at 6:00 p.m.

**MINUTES:** Motion by Baumhover, seconded by Norton, to approve the minutes of the July 1, 2020 meeting. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell and Christ; Nay – none.

**ACTION ITEMS/FINAL PLAT:** Application of James and Mary Gansen to approve Final Plat property of JQ Acres No. 3.

Commissioner Norton recused himself, noting that his company, Buesing & Associates, surveyed the subject property.

Tina Flanagan spoke regarding her request stating that she and her family intend to purchase the 10 acres of property that is being split from JQ Acres No. 3, as requested in the Plat of Survey. She said they intend to build their home on part of the property and leave the remainder to be farmed as it is now.

Staff Member Hemenway detailed the staff report. He said that the submitted Plat of Survey for JQ Acres No.3 splits off the eastern 10 acres of a 47-acre lot to provide a residential building site. He said that Lot 1 is the 10-acre property and Lot 2 retains 37 acres of the original lot. He noted that neither lot has frontage on a private or public street but are accessed from an easement across City property from Metropolitan

Heights. He said that access to Lot 1 continues across an easement along the south side of Lot 2. He recommended approval as submitted subject to waiving the lot frontage requirement for Lot 1 and Lot 2.

Motion by Mulligan, seconded by Russell, to approve the Final Plat of JQ Acres No. 3 subject to waiving the lot frontage requirement for Lot 1 and Lot 2. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Russell and Christ; Nay – none; Abstain – Norton.

**ACTION ITEMS/WAIVER:** Application of David TeBrake, Miller Architects & Builders to waive specific requirements of Chapter 13: Site Design Standards for property located at 3860 Asbury Road.

Applicant David TeBrake, Miller Architects & Builders, said that Hoffman, Schneider, and Kitchen Funeral Home is proposing to expand their building by 38%. He noted that as this exceeds the 25% expansion threshold, design standards apply. He said they are requesting waivers from three design standards:

1. Side buffer requirements
  - a. To the east there is not enough room on their property and there is a steep uphill to the neighboring property
  - b. To the north there is also a significant grade
  - c. To the west there is Grace Baptist Church whose parking lot is accessed through the funeral home parking lot, and there is an existing buffer between the two
2. Screening requirements – similar issues as with side buffers
3. Landscaping end caps and internal islands requirements – during a funeral home visitation most stalls are used. Additionally, funeral home staff are lining up vehicles for procession to the cemetery, and interior islands would make that challenging. There is already a north-south oriented island on the east side.

Mr. TeBrake said that applying these standards would cause the loss of numerous parking stalls, bringing the lot below the minimum number required, thereby necessitating a parking variance. He noted that there is nowhere else nearby to park, as no parking is allowed along Asbury Road.

Staff Member Schrobilgen detailed the staff report. He outlined the Unified Development Code design standards stating that they are applied to new developments as well as existing developments that involve the expansion of 25% or more of the building area. He said that the applicant is specifically asking that the City waive the standards outlined in Sections 13-3.5D, 13-4.6B, and 13-4.8A regarding parking lot layout, parking lot landscaping, and screening requirements. He noted that Miller Architecture plans to maintain at least 83 parking spaces to avoid applying for a parking variance and the entire proposed parking area will cover existing impermeable area. He further stated that the site is limited in that no parking is permitted along Asbury Road leaving few options for any spillover traffic that might occur.

Staff member Schrobilgen explained the three design standards regarding parking lot layout, parking lot landscaping and site screening. He noted what the applicant is asking to waive and what Miller Architecture is planning to do:

- Parking lot layout – Miller Architecture plans to leave the lot as-is and not install intermediate landscape islands and would mark endcaps with paint striping.
- Parking lot landscaping – Miller Architecture is asking to waive this standard along the east and west sides of the parking lot.
- Screening – Miller Architecture is asking to waive this standard, though existing conditions partially meet the standards. There are deciduous trees along the east property line for part of the length of the parking lot. Additionally, the large open green space with about twenty scattered trees located in the north 1/3 of the property provides partial screening of the property from the north, east and west.

Commissioner Mulligan inquired about the number of parking stalls and the difference between the designs shown in Exhibit A and Exhibit B. Staff member Schrobilgen explained that Exhibit B showed the already approved building expansion but that the applicant will be seeking another conditional use permit to allow an enlarged expansion which is depicted in Exhibit A. He said that the request is the same for both concepts and that approval of the waivers would apply to whichever expansion was approved. Commissioner Baumhover said that he had no issues with the waiver request.

Motion by Norton, seconded by Kemp, to approve waiving specific requirements of Chapter 13: Site Design Sections 13-3.5D, 13-4.6B, and 13-4.8A as submitted. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell and Christ; Nay – none; Abstain – none.

**ACTION ITEMS/WAIVER:** Application of AI Urbain, Urbain Construction Management, LLC. to waive specific requirements of Chapter 13: Site Design Standards for property located at 3187 University Avenue.

Commissioner Norton recused himself, as he served as the presenter for Buesing & Associates on behalf of the applicant. He said that the applicant was seeking approval to waive the site design standards for:

1. Side yard buffers – On the west side, the pavement abuts the car wash pavement, and they propose to keep it as or they would lose parking stalls
2. Internal parking islands – These would impede flow of traffic for semis and deliveries
3. Landscaping – There is no room on either the west or east side, the north is already wooded, and the front/south will have some landscaping

Staff Member Hemenway detailed the staff report. He noted that the applicant is specifically asking to waive the standards established in Chapter 13-3.5 and 13-4.6 that require a 7-foot-wide landscape buffer be provided alongside property lines, a 10-foot-wide landscape buffer be provided along front property lines and that parking bays in excess of 11 spaces provide landscaping at each end of the bay.

Staff member Hemenway explained that since the internal bays are less than 11 stalls, no internal island are required, and a waiver is not necessary for that. He said that imposing the 7-foot side yard buffer would lead to a 17-stall loss. He said that to accommodate the 10-foot front yard buffer, the first space on either side of the lot entrance could be landscaped. He said that this would eliminate problematic spaces where cars back into the drive entrance. He said that it is also possible to convert the far northeast corner space to landscaping, as it may also be problematic for parking. He said that based on parking formulas there is a surplus of 10 stalls.

Commissioner Mulligan asked Mr. Norton's response to Hemenway's proposals. Mr. Norton said that staff's recommendations are doable. He said that landscaping two stalls in the front would be okay, but the northeast corner stall could be valuable as a staff stall.

Mulligan asked to clarify which requirements still need to be waived now. Staff member Hemenway explained that by removing the two front stalls the 10-foot buffer requirement would be met, the east buffer is not required as it is proposed to become a drive aisle, so only the west side buffer would need to be waived.

Motion by Mulligan, seconded by Russell, to approve waiving the Chapter 13: Site Design Standard requirement that a 7-foot-wide landscape buffer be provided along the side property lines. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Russell and Christ; Nay – none; Abstain – Norton.

**ACTION ITEMS/WAIVER:** Application of Mike Fenton, Landfill Group, LLC. to waive specific requirements of Chapter 13: Site Design Standards for property located at 101 Airborne Road.

Commissioner Norton recused himself, as he was the design engineer.

Mike Fenton, Landfill Group, LLC, described the project. He said that the site would be collocated at landfill and that its purpose is to capture landfill gas and convert it into usable natural gas. He said they are seeking to waive requirements for paved surface, and they plan to use the landfill's existing gravel roads which can support large trucks and equipment. He noted that these facilities are also adequate for fire trucks, and they have a letter from Fire Marshal Mark Burkle to that effect. He said that they also seek to waive landscape requirements as they are at the landfill, out of sight, and not a frequently visited site.

Staff Member Schrobilgen detailed the staff report. He explained the location and function of the proposed facility and the standards the applicant was seeking to waive. He said that the applicant proposes to continue the crushed rock road up to and throughout the biogas station facility. He said that an accessible parking stall and walkway will be constructed at the site. He said that most site design standards do not account for the unique circumstances of all development, noting that the proposed biogas recovery station will be located in the middle of the City's landfill, will not be

close to any other commercial or residential development and will be very small relative to the 200-acre facility, diminishing the need for traditional standards.

Commissioner Mulligan asked how to ensure that the road is adequately constructed for fire truck access. Staff member Hemenway stated that the fire department will review the road and ensure it is designed sufficiently. Mr. Norton stated that it would be built with a 12-inch stone base and that stormwater considerations would also be factored into its design. He said that the roadway will be built to accommodate both maintenance vehicles and fire trucks. He said that landfill employees and maintenance workers would notice any issues with the road.

Motion by Mulligan, seconded by Loeffelholz, to approve waiving the specific requirements of Chapter 13: Site Design Standards regarding parking lot layout, site landscaping, and parking lot landscaping as submitted. Motion carried by the following vote: Aye – Baumhover, Mulligan, Russell, Kemp, Loeffelholz and Christ; Nay – none; Abstain – Norton.

**ITEMS FROM PUBLIC:** None

**ITEMS FROM COMMISSION:** None

**ITEMS FROM STAFF:** None

**ADJOURNMENT:** Motion by Kemp, seconded by Baumhover to adjourn the August 5, 2020 Commission meeting. Motion carried by the following vote: Aye – Norton, Baumhover, Mulligan, Russell, Kemp, Loeffelholz and Christ; Nay – none.

The meeting adjourned at 6:50 p.m.

Respectfully submitted,



Wally Wernimont, Planning Services Manager

September 2, 2020

Adopted