

**MINUTES**  
**Planning Commission Meeting**  
**Tuesday, February 16, 2016, 5:30 p.m.**

**MASTER**

Chairwoman D'Arville called the meeting to order at 5:35 p.m. and led the Pledge of Allegiance.

**Roll Call**

Members Present: Brenda D'Arville, Wilbur Vanwyck, Paul Cowan, Mary Ann Hilton, William Maguire

Members Absent: Tracy Fero, Lisa Sheffield

Staff Present: Eddie Esch, Lonnie Smith, Teresa Malmberg

**Proof of Publication** The agenda was posted on the City's website and City Hall bulletin board on Friday, February 12, 2016.

1. **Approval of Minutes:** The minutes of the February 2, 2016, meeting were approved as submitted by unanimous vote.
2. **Chairman's Report from City Council:** Mr. Esch reported that Jan Smith gave a quarterly report and net position on the budget status to Council. Ken Metcalf consulting planner will present Comprehensive Plan amendments Friday evening. On February 17 TPO Marion County will be here to present bike trail, etc. Finance hired new accounting position. Interviews for Police Chief were very encouraging.
3. **Welcome:** Chairwoman D'Arville welcomed new member, Mr. Maguire, who gave a brief biographical history.
4. **Quasi-Judicial Hearing** - Application PZ1516 - 028 by Ziegenfuss for Wendy's Variance 2016 - 02 to Landscape Buffer Depth.

Chairwoman D'Arville closed the regular meeting and opened the Quasi - judicial Hearing at 5:45 p.m. City Attorney Hand performed the swearing-in of all persons who will give testimony. Chairwoman D'Arville polled Commissioners to disclose Ex - Parte Communication. None reported.

Lonnie Smith presented the staff report. Questions and answers among members and staff during staff report. Mr. Ziegenfuss, Civil Engineer for the franchisee, Wendy's presented testimony concerning the variance. Members, staff and applicant representative engaged in question and answer.

Chairwoman D'Arville closed the Quasi - judicial Hearing and re-opened the regular meeting at 6:15 p.m.

**Discussion:** Members discussed options to variance depth in lieu of the 7.5 feet all-perimeters requested.

Following discussion and public comment, Paul Cowan motioned to recommend to Council for approval the Variance 2016-02 to landscape buffer with condition that the West perimeter buffer along U.S.41 be at 25-feet, the North and South perimeter buffers be at 12.5-feet, and the East perimeter buffer be at 7-feet. Mary Ann Hilton, seconded. There being no public comment, the motion was passed by unanimous vote, 5-0.

5. **Resolution #RES2016 - 08** Request for Landscape Buffer Variance #VAR2016 - 02, Ziegenfuss for Wendy's Application PZ1516 - 028, Chairwoman D'Arville read into record by title only with conditions and was approved as read.

6. **Quasi - Judicial Hearing** - Application PZ1516 - 028 by Ziegenfuss for Wendy's Variance 2016 - 03 for No Dumpster in Buffer.

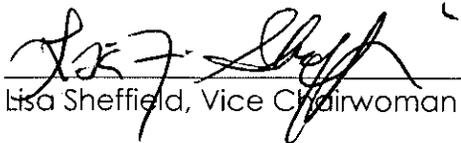
Chairwoman D'Arville closed the regular meeting and opened the Quasi - judicial Hearing at 6:29 p.m. City Attorney confirmed s wearing-in and ex-parte from previous variance and allowance for Chair to take additional testimony as needed. Mr. Esch confirmed with City Attorney Hand that the dumpster variance is no longer needed due to conditions of the previous variance.

Mr. Ziegenfuss, for applicant, agreed to table the request for dumpster variance contingent upon approval by City Council. Discussion and review of drawing and dumpster location ensued.

Mary Ann Hilton made the motion to table the dumpster Variance 2016-03 pending outcome of Variance 2016-02 at City Council on March 14, 2016, with review at March 15 Planning Commission meeting if necessary. Wilbur Vanwyck seconded. The motion was passed by unanimous vote, 5-0.

Chairwoman D'Arville closed the Quasi - judicial Hearing and re-opened the regular meeting at 6:30 p.m.

8. The meeting was adjourned at 6:35 p.m.

  
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Lisa Sheffield, Vice Chairwoman

  
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Teresa Malmberg, Admin. Coordinator