

**Committee Members:**

- Grant Russel, at large – Committee Chair
- Brian Bauman, Ward 5
- Dennis Hellmann, Ward 2
- Jim Slough, Ward 4
- <vacant>, Ward 1

**Staff:**

- Matt Cordonnier, HRPC Director
- Jacob Mercer, HRPC
- Wesley Jefferies, HRPC
- Eric Adkins, Zoning Administrator
- Don Rasmussen, Law Director

**Meeting Start Time:** 12:03 p.m.**Meeting End Time:** 1:57 p.m.**Guests:**

- Mayor Christina Muryn
- Trevor Rizer, applicant
- Darrin Karcher, applicant

## Agenda:

### Call to Order

### Roll Call

### New Items

1. Elm Street Alley Vacation
  - City Planning Commission recommend approval of this request contingent upon a shared usage agreement between property owners and granting of a utility easement
  - MOTION: recommend approval as requested (Slough / Bauman)
    - After much discussion highlighted below, withdraw the motion (Slough / Bauman)
  - Hellman asked about why the need for shared access between property owners
    - Muryn explained so that both properties have access to the alley up to their existing garages
  - Mr. Rizer (property owner's son) indicated it is their intent is to remove the back (south) section of the alley upon vacation to discourage foot traffic in the alley
  - Russel voiced numerous concerns with the alley vacation
    - P&Z had recently recommended denying a request to vacate the east-west alley that intersects this alley
    - Alleys in older neighborhoods serve a specific function. In this case, vacation of this alley would most likely mean four properties would no longer have trash pickup off the alley and instead have to haul trash to the street curb
    - Approving this request would then seem to encourage the building of a fence in the right-of-way and then requesting an alley vacation so that the new fence could remain
  - Russel wondered if there is another way to resolve this situation
    - The alley vacation request seems like overkill
    - Wonders if there is a way to vacate a two-foot section of the east side of the alley

- Much discussion about the unique nature of this request
    - The utility pole is further into the right-of-way than the fence
    - The fence has existed for decades without any concerns; it was only when the fence was rebuilt in place that this became an issue
    - The alley isn't built directly in the middle of the right-of-way and isn't straight
  - Hellman asks if there is a mechanism where we can grant an access agreement allowing the property owner to use that portion of the right-of-way?
    - Rasmussen says it is possible to grant an access agreement; a committee report would suffice to proceed; he will need to investigate the details of how to do this and if it would require Council approval
  - Adkins raised concerns about this action setting a precedence favoring people to build fences w/o proper permitting and then begging for forgiveness
    - Russel says this situation is unique for reasons previously stated
    - Cordonnier said he had never seen 'precedence' from once random case used as justification in an unrelated case
    - Bauman indicated that this was replacement of an existing fence; new construction is a completely different situation
  - Adkins expressed further concerns that this may provide incentive to build a fence in an improper location and beg forgiveness
    - Russel concurred saying it is a valid point but does not change his opinion on this case
  - Russel asked if an access agreement would stay with property through subsequent owners
    - Cordonnier indicated that would be the case
  - MOTION: grant revocable right-of-way permit instead of vacating the alley (Hellman / Slough)
    - Motion approved 4-0
2. 909 Broad Avenue Rezone
- The property is directly north of the Old Stoney Ledge
  - City Planning Commission recommend approval of this request
  - Hellmann asked about the plans for this property
    - Mr. Karcher said it would either be parking the site of a new building
  - MOTION: recommend approval as requested (Hellmann / Russel)
    - Motion approved 4-0
3. Proposed Planned Unit Development (PUD) Zoning Code Changes
- A PUD is being considered because it encourages creativity & flexibility in development
    - Economic development tool
    - PUD removed from our code in 2012

- Existing code has sections for a Planned Residential Development (PRD) and Planned Mixed Use Development (PMUD) which would be replaced by the PUD
  - P&Z should expect an updated draft of the PUD ordinance possibly by our August meeting
    - Eventually the full Council would need to adopt the PUD ordinance
  - MOTION: recommend continued development of proposed PUD ordinance (Russel / Bauman)
    - Motion approved 4-0
4. Annexation Presentation
- Presentation by Mayor Muryn of annexation ideas
  - MOTION: recommend continued work on annexation plans (Russel / Hellmann)
  - Motion approved 4-0

#### **Adjournment**

- Meeting adjourned at 1:57 p.m.

*Grant C. Russel*

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Grant Russel, Planning & Zoning Committee Chair