

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
FEBRUARY 8, 2011**

On roll call, the following Commissioners were present: Steve Griffin, Mike Lorenz, Walton Maurras, Keith Lau, Marshall Sharpe, Jennifer Parks, Salvatore Salamone and Travis Stephens. Commissioner John Huffman was absent.

Chairman Griffin then called for the vote on the minutes from the January 11, 2011, Planning Commission meeting. Motion was made by Commissioner Parks, seconded by Commissioner Lorenz and carried by a vote of 7 in favor and 1 abstention (Salamone) to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

1. Rezoning #3-2-11; A request by David Hudson for a zone change from Not Zoned to Commercial-3 by Classification located at 8400 Zero Street.

Mr. Wally Bailey read the staff report indicating that the purpose of this rezoning request is to allow Sebastian County to utilize the property for several functions. Mr. Bailey stated that the principal structure would be the location of the emergency management and public safety facility while the smaller building would be used for storage of vehicles and equipments. Mr. Bailey noted that several property owners were in attendance at the neighborhood meeting and did not express any concerns relative to this project.

Mr. Bailey stated that the area to be rezoned is the former National Guard Armory site which was annexed into the city limits in April of 2009 and subsequently acquired by Sebastian County in January of 2010. He noted that the property is within the boundary of the Massard-Zero Overlay and considered a gateway into Chaffee Crossing.

Mr. Jeff Turner with the Sebastian County Judge's Office was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Mr. Chuck Fawcett, #9 Riverlyn Drive, addressed the Commission relative to the landscaping requirements along the property line adjacent to The Woods at Chaffee Crossing. Mr. Bailey stated that the landscaping plan submitted by Guest-Reddick Architects shows honeysuckle to be planted along the chainlink fence, which would provide a green wall.

Following a discussion by the Commission, motion was made by Commissioner Maurras, seconded by Commissioner Lorenz and carried unanimously to amend this request to make approval subject to the following:

- An indoor firing range is not a permitted use within the recommended C-3 zoning district.
- Landscaping and screening shall be required along the eastern and southern property lines.
- Approval of the landscaping plan submitted by Guest Reddick Architects dated February 4, 2011.
- All seized and wrecked vehicles stored at this location must be completely screened from view from adjacent properties and public rights-of-way.

Chairman Griffin then called for the vote on the rezoning request as amended. The vote was 8 in favor and 0 opposed.

2. Rezoning #4-2-11; A request by Ron Bartel for a zone change from Commercial-5 to Residential Single Family Medium Density (RS-3) by Classification located at 1205 Brazil Avenue.

Ms. Maggie Rice read the staff report indicating that the purpose of this rezoning request is to allow for the owner to make an addition to a single family home. Ms. Rice stated that the current zoning classification does not permit single family homes and therefore the use is considered nonconforming and cannot be expanded. Ms. Rice noted that staff has received no comments from citizens and only one neighbor with a few questions was in attendance at the neighborhood meeting.

Mrs. Bartel was present to speak on behalf of this request

No one was present to speak in opposition to the request.

Chairman Griffin then called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed.

3. Conditional Use #23-10-09 Time Extension for the Vietnamese United Methodist Church located at 801 North Albert Pike.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow a time extension for a conditional use which was approved by the Planning Commission at their October 13, 2009, meeting. Ms. Andrews stated that on October 1, 2010, Reverend Dr. Terry Gallamore received an administratively approved 90-day

extension until January 31, 2011 and in order to continue raising funds for the project, they are now requesting an extension of time until December 31, 2011.

Ms. Andrews noted that Section 27-332-6 of the Unified Development Ordinance states that the requirements for a conditional use must begin to be met within one year of the authorization unless a special time limit has been imposed by the Planning Commission with an extension of time beyond one year or that imposed by the Planning Commission being granted by the director one time for up to ninety days.

Reverend Dr. Terry Gallamore, 10604 Jenny Lind, was present to speak on behalf of the request.

No one was present to speak in opposition to the request.

Chairman Griffin then called for the vote on the time extension request. The vote was 8 in favor and 0 opposed.

4. Conditional Use #3-2-11; A request by Effie Drosopoulos, agent, for a conditional use for a pet store located at 1217 South Waldron (La Villa Shopping Center)

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is to allow the applicant to utilize the existing building space as a pet store (Middle Earth Pet Shop) for general sales of pet supplies and small animals. Ms. Rice also noted that pet grooming services would also be provided with no changes to the building exterior or grounds being proposed.

Ms. Effie Drosopoulos, 2740 Cliff Drive, was present to speak on behalf of the request.

No one was present to speak in opposition to the request.

Following a discussion by the Commission, motion was made by Commissioner Parks, seconded by Commissioner Lorenz and carried unanimously to amend this request to make approval subject to the following:

- Existing landscaping shall be maintained and irrigated.
- Existing dumpsters shall be screened by a 6 foot gated fence enclosure. Opaque dumpster screening to be of approved material such as wood, masonry or vinyl. A plan must be submitted prior to installation.
- No outdoor kennels or facilities are permitted.
- Any new signage will require a sign permit application and approval.

Chairman Griffin then called for the vote on the conditional use request as amended. The vote was 8 in favor and 0 opposed.

5. Conditional Use #5-2-11; A request by Tim Risley, agent, for a conditional use for classrooms and a cafeteria addition to Euper Lane Elementary School located at 6601 Euper Lane.

Ms. Brenda Andrews read the staff report indicating that the purpose of this conditional use request is to allow for the construction of the following:

- A new 8,307 square feet cafeteria/kitchen addition at the Northwest side of the existing school.
- Construction of an 8,940 square foot classrooms addition (five (5) new classrooms)
- Construction of a new covered play area
- Twenty-six (26) new staff parking spaces south of the existing school to the north of Euper Lane.
- New perimeter/interior landscaping and parking lot screening (landscaping) for the 26 space parking area.

Mr. Rett Howard, 3121 Jackson, was present to speak on behalf of the request.

No one was present to speak in opposition to the request.

Following a discussion by the Commission, motion was made by Commissioner Parks, seconded by Commissioner Lorenz and carried unanimously to amend this request to make approval subject to the following:

- The exterior façade of the proposed building additions will match the color and building material of the existing school as stated on the drawing on sheet A-3 from the architect.
- A final landscaping inspection must be approved by the Planning Department before the issuance of the Final Certificate of Occupancy.
- Any new outdoor lighting of the building exterior, new parking lot and covered play area shall be shielded and directed downward to avoid light glare onto adjoining properties.

Chairman Griffin then called for the vote on the conditional use request as amended. The vote was 8 in favor and 0 opposed.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

6. Variance #1-1-11; A request by Lance Beaty for a variance for Lot 4 – from 254 square feet to 504 square feet maximum size of a sign and for Lot 9 – from 99 square feet to 394 square feet maximum size of a sign located at 4600 Towson Avenue (Phoenix Center). (tabled from January)

Mr. Wally Bailey read the staff report indicating that the purpose of the variance request is to allow a 240 square foot sign plus a 64 square foot sign to be added to the existing sign structure that currently has a 200 square foot sign in place on Lot 4 with a street frontage of 254 feet and the reuse of the existing 394 square foot sign located on Lot 9 with a street frontage of 99 feet.

Mr. Lance Beaty was present to speak on behalf of the variance request. Mr. Beaty encouraged the Commission to give careful consideration in not unduly restricting the signage on this site. Mr. Beaty stated that he cannot anticipate the needs of future tenants. Mr. Beaty noted that they are achieving a significant reduction in the signage clutter along Towson Avenue and feels the area has been greatly improved.

No one was present to speak in opposition to the request.

Commissioner Maurras stated that he would like to add a condition that any new future signage would require a corresponding square foot reduction in signage elsewhere on the Phoenix Center site. Commissioner Maurras stated that although he is totally in support of this project, Central Mall, which is larger than this development, has less signage.

Commissioner Sharpe noted his concerns with the existing donut sign location and design and felt another tenant might have a problem with this sign getting larger billing over their sign.

Commissioner Lau stated that he felt you cannot discount signage for a business and felt the existing donut sign is a sign that landmarks this particular business.

Commissioner Stephens stated that he has no problem with the existing donut sign.

Following a discussion by the Commission, motion was made by Commissioner Maurras, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the following:

- Signs 1 and 4 must be relocated or removed from the Towson Avenue frontage. The two signs shall be relocated no later than December 31, 2011.

- Any new signs on Lots 1, 2, 5 and 7 that are allowed by the city code will be constructed as monument signs and not pole signs.
- The street signage for the development is limited to that which is shown on the attached Master Sign Plan. Any additional signs will require approval of the Planning Commission and/or the Board of Zoning Adjustment.
- Any new future signage will require a corresponding square foot reduction in signage elsewhere on the Phoenix Center site.

Chairman Griffin then called for the vote on the variance request as amended. The vote was 7 in favor and 1 opposed (Sharpe).

7. Variance #2-2-11; A request by Gary DeArmond for a variance from the maximum size of an accessory structure located at 11000 Nicely Drive.

Ms. Maggie Rice read the staff report indicating that the purpose of this variance request is to allow a 4,050 square foot garage to remain. Ms. Rice stated that the applicant built a 4,050 square foot garage in addition to two existing detached structures. The new garage as well as the existing two detached buildings total a combined 6,650 square feet. Ms. Rice noted that the applicant's home is 3,552 square feet and by ordinance an accessory building shall be subordinate to the principal structure.

Mr. Gary DeArmond, 11000 Nicely Drive, was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Chairman Griffin then called for the vote on the variance request. The vote was 6 in favor and 0 opposed. Commissioners Stephens and Parks were absent from voting.

Meeting Adjourned!