

PLANNING COMMISSION MINUTES

SEPTEMBER 13, 2021

MEMBERS PRESENT

Mr. Khan
Mr. Garrison
Mr. Bolton
Mr. Petrick
Mr. Dodson
Ms. Evans
Mr. Craft

MEMBERS ABSENT

STAFF

Doug Plachcinski
Lisa Jones
Clarke Whitfield

The meeting was called to order by Chairman Garrison at 3:00 p.m.

ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP2021-263, filed by Nadine Etchison, requests a SUP for 107 Walters Street (Parcel ID# 21027) for a private community facility in accordance with Article 3.E Section C.17. The applicant intends to develop an outdoor gathering space.*

Mr. Craft arrived at 3:03 pm.

Mr. Garrison opened the Public Hearing.

Mr. Marty Jackson stated I am here with my sister Nadine Etchison and she asked me to come today and speak on her behalf. What Mr. Plachcinski read was adequate and if there's any questions.

Mr. Garrison stated if we have any questions then we will ask you to come back up.

Ms. Rhonda Fountain stated I am one of the properties within the 300 hundred square feet that's circled. I live at 234 Oakwood Circle in Grove Park. In the past year and a half to two years we have had over eight shootings that we have called into the Danville Police Department. My living room sits on the back side of my house and I'm sitting there and I'm listening to gunshots all the time to the point that we are sliding down off our sofa into the floor because it's coming from behind us somewhere in that area. I have some dates like June 27th. I have a neighbor who's a teenager, and he brings young boys, and I don't know who they are or where they're from, but they walk through my side lot. I have almost an acre between me and Eli Jefferies. They come between our yards and this summer we put up barbed wire and attached it across four property lines which was me, Eli, his brother Jack, and the Worsham's. We are trying to cut down the foot traffic because we don't know where these young boys are going or why they're cutting through our property. I found a shell casing in my yard a couple of months ago, where I had another man out there cutting back some of my overgrown foliage. We've had gunshots on August 21st and August 22nd of this year and a drive by shooting somewhere in our neighborhood. I am writing down all the dates that the police were called because we have a community facebook page, and we notify each other about this kind of stuff and power outages. On October the 30th of last year, and August 23rd, June 29th, July 3rd and possibly going into July 4th the next morning,

June 1st of last year, and August 10th is a report of gunshots. I did reach out to the police department, but I didn't get a request in early enough for them to be able to give me a printout of all the gunshots that we are hearing coming from the Almagro neighborhood behind us. I oppose any type of gathering permit or anything. We don't even know what's going on now and so I feel that if we have something where they can meet, join, or whatever. It may be great during the daytime hours but there's a lot of mischief that goes on once it starts to settle into dusk, that's all I have.

Mr. Garrison stated any questions for Ms. Fountain?

Mr. Petrick stated your property backs up to Broadnax?

Ms. Fountain stated it does.

Mr. Petrick stated obviously, it's well near enough that you were included in the survey.

Ms. Fountain stated yes.

Mr. Petrick stated okay.

Mr. Jackson stated speaking on what Ms. Fountain said, I understand her concerns, but we are a Christian based family, and we intend to have gatherings for religious purposes only. We have a printout of what we will have like back-to-school fun days, a trunk or treat safety zone in October, and December we'll have Christmas wish programs, in March we will have spring outdoor revival services, in April we will have an Easter egg hunt for the children. We will have pop-up shops, but we don't plan on having anything at night and everything will be done during the day. We are very religious, and spiritual, and we intend to bring harmony in the community. There will be nothing that would be degrading to the community. We are law abiding and we don't condone any thing that's going to disrupt the community or disrupt our city. I'm an advocate in our city and I participate in marches and walks. I'm going to Norma's walk on the 23rd. I go to community meetings and I was with the police chief in the meeting on 319 Lynn Street the other day. I mean we are a Christian based family, and we don't plan on being disruptive because we are trying to enhance the city.

Mr. Bolton stated will it be supervised during the day?

Mr. Jackson stated yes sir. I will be there, my sister, and our brother, he's coming home. He retired from the civil service in Washington and will be moving back here in December.

Mr. Craft stated why this particular lot of all the lots in the city?

Mr. Jackson stated the lot was really a mess when we saw it and we thought we could do something with it and make it better for the community. We have cleaned the lot off, and it is 100% better than it was in the beginning. We grew up in that area so we felt that would be a good area to make the community better.

Mr. Craft stated that particular lot was because you grew up there?

Mr. Jackson stated yes sir.

Mr. Craft stated there is not another lot than you could do the same thing without the opposition?

Mr. Jackson stated not for the price because I mean, she had looked at some more lots, but they were above her price of what she could afford.

Mr. Craft stated how close is her lot to her house?

Mr. Jackson stated she lives on Halifax Road now and I live off South Main Street.

Ms. Evans stated do you plan on having security of some kind at these functions?

Mr. Jackson stated we didn't think that we were going to need security because we are talking about a Christian based facility. We are not talking about parties or loud music, but if we must consider it, then we will. I was going to be security.

Mr. Petrick stated is this associated with any particular congregation?

Mr. Jackson stated we are members of Bible Way under Apostle Campbell, and we regularly participate. I am an usher and the President of Brotherhood.

Mr. Petrick stated they are not going to be endorsing or underwriting it?

Mr. Jackson stated no sir.

Mr. Petrick stated the problems that Ms. Fountain brought up are pretty evident to people who live in that area. Does that not concern you at all considering you're going to have children there?

Mr. Jackson stated no, it doesn't.

Mr. Petrick stated I know that you're a Christian based organization and your ideas and designs are pure but still you have the outside world and sometimes they interact in a violent way and that would be my concern.

Mr. Jackson stated well sir the violent world interacting with the community and all over our city. We just can't stop our lives because other people do what they do. We just have to control our surroundings and make sure that they don't incorporate it in what we are trying to do. It's a violent world and I don't know what to say but that it is what it is.

Mr. Kahn stated you are going to promise us here that the events that are going to take place will be during the daytime?

Mr. Jackson stated yes sir.

Mr. Kahn stated I fully realized that and without saying directly, you will and have security or some sort of supervision there.

Mr. Jackson stated it will be always supervised.

Mr. Kahn stated you are telling us here that both things will be done during the day and, it'll be thoroughly supervised.

Mr. Jackson stated yes sir.

Mr. Kahn stated thank you sir.

Mr. Bolton stated as far as you know, this lot isn't a scene of any congregations in other words, none of the complaints about gunshots are traced back to this area or this lot?

Mr. Jackson stated no sir.

Mr. Garrison stated I have looked at the proposal that you sent that showed what you were planning on doing with various and sundry things on the lot and including building restrooms. I noticed that almost the front third of that lot is going to be parking. You're going to have to follow the city code as far as parking and in putting down asphalt and laying out parking spaces that meet the requirements of the city's parking code. Are you aware of that?

Mr. Jackson stated no sir.

Ms. Etchison stated we are going to follow whatever codes and we're looking forward to talking with Mr. Plachcinski about what we need to do. We've only cleaned it out so far. We haven't done anything else until after we go through this stage and then we'll see what else we can do.

Mr. Garrison stated the other thing is that Mr. Plachcinski is giving us a recommendation and it's a staff recommendation that we recommend approval to city council for a period of one year and then come back a year from now and look at it before we finally give you and city council gives you a permanent special use permit to continue doing it. Are you aware of that?

Mr. Jackson stated yes sir.

Ms. Etchison stated we look forward to that.

Mr. Garrison stated so you could do this for a year and if things happen that create problems in the area and a year from now, you may be looking at something totally different with the city council having to look back at it again. I just want you to be aware of that.

Ms. Etchison stated thank you.

Mr. Garrison closed the Public Hearing.

Mr. Garrison stated does anyone have any questions for staff?

Mr. Bolton state he said it would be supervised. Do you see any importance of adding that as a condition or just assume it would be supervised like he said, how would you feel best?

Mr. Plachcinski stated I think adding supervision of activities to occur before dusk would be appropriate conditions for the planning commission to include.

Mr. Craft stated I think that the problem is going to be after dusk when no one's there. If you have restrooms, they're having gunshots and all the problems there now. That was my question, why that particular lot? There's got to be other lots that would probably be more conducive for what they want to do than that particular lot.

Ms. Evans stated is there a reason why you're just suggesting this for twelve months? I don't remember doing that in the past.

Mr. Garrison stated we have not done it in the past.

Mr. Plachcinski stated I'm suggesting that to see how it works and to be able to report back and hopefully have an experience that enhances Ms. Etchison, and her group, and the neighborhood too. Also, that way we can establish that they're moving forward in a great direction. If they're not, then, the city can either adjust the direction and give approval and maybe give it an extension for another period of time or permanently. So, that keeps our options open because in general, once you approve zoning, if you don't stipulate a time frame in your special use permit then it exists with the property in perpetuity from then on.

Mr. Garrison stated Mr. Attorney we have the right to put that in there. Am I correct? That's not violating any statutes.

Mr. Whitfield stated that's correct.

Mr. Petrick stated this one-year term is, I see it's not a part of the conditional item that we include in the motion to approve?

Mr. Whitfield stated yes sir.

Mr. Garrison stated so that would be a condition by staff being as part of the recommendation, correct?

Mr. Whitfield stated yes, but it might not hurt for emphasis to go ahead and say it.

Mr. Garrison stated any other questions? Could I have a motion?

Mr. Kahn made a motion for recommendation of approval for Rezoning Application PLSUP 2021-263 with the conditions that there be adequate supervision of events before dusk, and that the approval be subject to review after one year. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.

2. *Special Use Permit Application PLSUP2021-297, filed by Trinity United Methodist Church, requests a SUP for 409 Arnett Boulevard (Parcel ID# 05074) for an accessory building or accessory use without a primary building located on the parcel in accordance with Article 3.E Section C.23. The applicant intends to develop an outreach supply storage and distribution building.*

Mr. Garrison opened the Public Hearing.

Mr. Albert Payne and David Hyde appeared on behalf of Trinity United Methodist Church. Which stated, we have kind of been considered the hot dog church because we give out hot dogs at least once a month in the neighborhood. We serve a good group of people that come monthly to see us, and we've just felt like, you know, when we looked around about food sources around Danville, Virginia, there's plenty to eat in a lot of different locations throughout the city, but this is something unique and different. It would be basically emergency food available, and it would be available 24/7, 365 days a year, in a mission house type setting. It will be off from the parking lot that's accessible, even handicap accessible for people to get to when they have the need. It's not going to be just limited to that. We want to have toiletries provided for people who need those on occasion. We want to have devotions and a board inside that we call a shed, it will look like a church with the steeple on it eventually, but we want to have it available to all the food locations and places

around the town. For the people who come and don't know where they are, it'll be an informational board on where to seek food. We're trying to do something unique and most of the time if somebody has a need for food you have to be there on a Saturday, Friday, Salvation Army every day, Monday through Friday, and nothing on the weekends. We are trying to be available when those places are closed without having to call the church secretary to come and meet somebody and take them to a place inside the church that they would have access to this building to get what they need at any time.

Mr. Dodson stated will this building be accessible from Arnett? It won't be on a separate road? We had some neighbors saying that it's going to cause traffic problems and speeding and things like that. I don't see that if it's right next to the church like it is now.

Mr. Payne stated the hot dog thing is probably causing more traffic problems than this would ever do because I mean, in all honesty, we're trying to protect people, you know, being anonymous coming in, maybe expressing the need privately as opposed to publicly coming for something like that. I think it's going to be one car at a time when they need it. It is a limited amount of food and it's not going to be something that people can come in there and get a week's worth of groceries for. This is more of a meal, you know, I'm starving or I'm hungry and you can say there's food and drink in that shed for you if you want it.

Ms. Evans stated it is going to be located where this x is in the parcel?

Mr. Payne stated as you are pulling on the parking on the left there's a basketball goal, and on the far side it will be right in that area going up the hill. It probably would be difficult to even see it from the road. We wanted to make it public, but I understand the reasons why you don't want to put it in the middle of the property. So, we put it on the side into a vacant lot that people would know about it and hopefully hear about it, but not be so noticeable that some people might be upset by it, but you can get to it.

Ms. Evans when you say you're going to have an information board are you going to provide this information to other churches to let them know that you're having this facility so that they can put it on their information board for information?

Mr. Payne stated yes, we will share everything possible. I think it's going to be more of the other when people come in and see it and they say what's available today? Where do I need to go find a meal today other than the emergency foods that we provide? Things like peanut butter, things that you can fix and use, like potted meat, those type of thing that are non-perishable items.

Mr. Kahn stated do I hear correctly when you say you're going to use the existing entrance of the parking lot? Am I right or wrong?

Mr. Payne stated there's two there already.

Mr. Kahn stated I know. I'm well acquainted with the area. My granddaughter went to your church. You're going to use this existing entrance and where the basketball court is right now, you're going to develop that place or is it going to be behind the basketball court.

Mr. Payne stated it will be off to the side and off in the land area.

Mr. Kahn stated and there's a little hill there?

Mr. Payne stated yes. It will be away from the parsonage and closer to the street side.

Mr. Kahn stated you do have another side street there am I right or wrong?

Mr. Payne stated no, there's a Mary Miles street behind it and we don't have any access to that.

Mr. Kahn stated okay.

Mr. Craft state what are the hours of operation? 24/7?

Mr. Payne stated yes.

Mr. Petrick stated are you going to have an attendant there?

Mr. Payne stated no.

Mr. Petrick stated it's just going to be open?

Mr. Payne stated open the door and see what you may need take it and go. I know it sounds crazy, but I really think it's going to do the trick. It's not going to be stockpiled like a food pantry. It's going to be stockpiled with essentials and it'll be restocked once a week. So, you know when it's gone, it's gone.

Mr. Petrick stated it's going to be available 24/7 if it is available right?

Mr. Payne stated exactly and that's a good question. The other things like the toiletries or the information, the devotions, prayer list, and things like that will be there all the time.

Ms. Evans stated is it like people can bring things 24/7? Like there's some places in other communities where if you need a can of peanut butter you come and get it and when you have enough money to buy a jar of peanut butter, you take it back.

Mr. Payne stated that is a good plan but that is not in our scope right now. We have a lending book library in the parking lot now with that concept of people coming in and get one and take it away. I don't see that happening for this and probably won't encourage that necessarily. It'll probably be if you want to donate, and we can certainly do it because I think we want to be sure what's going in there is proper and you know, it's not spoiled, and it is non-perishable and things like that. We want to provide it and people use it and when it's gone, it's gone. We will have a budget obviously to deal with to buy foods on a regular basis.

Mr. Bolton stated will you have security cameras?

Mr. Payne stated no.

Mr. Bolton stated a total honor system.

Mr. Payne stated yeah, I mean they're not paying for it anyway. There are concerns that there will not be any windows in it, and it will basically be a porthole for people looking in it. It is in the middle of the parking lot and it's not under any trees or anything like that. Yes, I mean crime can happen anywhere at any time.

Ms. Evans stated but no electricity for people.

Mr. Payne stated we probably will have lightning system that would not be electric but more like a battery-operated system inside of it.

Mr. Petrick stated this is going to be food consumed on premises. It's going to be a get and go, right? Have you observed or are you familiar with another model like this anywhere around?

Mr. Payne state yes, you can google them, and you'll see food pantries that people can come in and get stuff more like what Ann was saying.

Mr. Hyde stated Dr. Payne got this idea on a trip that he was on. He went to a business; a gas station and the owner had a box in front of his business, and he put food in there for

people to come get as they wanted it. He got the idea from a simple box, so he got the idea to put a little building in front of our church.

Mr. Petrick stated I understand the availability really has nothing to do with the amount of traffic this could cause. I mean, people are going to be coming by to see if you have food available whether you have it or not.

Mr. Hyde stated it is going to be back off the road and on our property. It's not going to be fifty pallets of food. It's just going to be a small amount of food available for anyone that wants to come and get it. Once it's gone, it's gone, then we'll restock it the next week. It'll be non-perishable canned food. It won't be perishable food and they won't be coming in eating. It'll be canned food, non-perishable.

Mr. Bolton stated how big is the building going to be just roughly?

Mr. Payne stated 8 by 10 and it will be painted the same color as the church.

Mr. Garrison closed the Public Hearing.

Mr. Garrison stated Mr. Plachcinski am I correct that this is a separate lot from the church building, and they could do this without a special use permit?

Mr. Plachcinski stated yes.

Mr. Craft made a motion to recommend approval of Rezoning Application PLSUP 2021-297 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

3. *Rezoning Application PLRZ2021-312, initiated by the City of Danville Planning Director requests to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended. Specifically, to add an Article 17, entitled Planned Unit Developments. Planned Unit Developments (PUDs) provide greater flexibility in land development regulation and land use arrangement than applying the Zoning Ordinance conventionally.*

Then Mr. Plachcinski summarize those changes please see below:

Danville's zoning code does not have a process for mixed land use developments. In the future, conventional zoning may not conveniently apply to mixed housing product neighborhoods or developments that include residential and commercial components. The Planned Unit Development process, allowed under Virginia Code, provides a tool for public review and input to approve the development concept. The Concept plan can then be adjusted to allow the developer flexibility in implementing the concept without restarting the review over again each time like they would under the conventional zoning procedure.

Ultimately zoning ordinance improvements can implement goals like, but not limited to:

- Promote economic growth and avoid unnecessarily strict regulations;
- Make regulations easier to understand;
- Incorporate technical best practices;
- Balance the historic and ecologic preservation with property rights;
- Ensure high quality development; and (but not least)

- Implement the City of Danville Comprehensive Plan.

The following summarizes the proposed PUD amendment:

1. The amendment provides the PUD purpose.
2. The amendment establishes requirements for all PUD's including review process, open space minimums, connectivity, and developer.
3. The amendment defines the PUD's Concept Plan and General Design Plan steps and explains the materials and documentation necessary for each. An important feature is a development agreement executed between the City and the Developer. If a PUD is not developed, the underlying conventional zoning remains in effect on the property.
4. The amendment categorizes minimum and minor modifications to the PUD special use permit.

Mr. Plachcinski stated I would also like to add that we've edited this amendment with several other departments including engineering, housing, inspections, public works, and utilities to get their input and we did make some adjustments based on their feedback. Since we have sort of identified this process maybe in the beginning of the year, there are a couple of different potential developments in the community that aren't in the flexible zoning districts like the downtown or the warehouse commercial districts but may incorporate different kinds of housing all in one and every time you know, we start to move forward with the developer, then they apply for rezoning, then they get the rezoning changed and they end up needing to change something about their design that starts them back over at rezoning process. So, this keeps everything in front of the planning commission and city council. We still have public input process but say, if you're just moving two different parts of the development and swapping them for each other, we don't have to go back to the drawing board and start a two-month public hearing and review process just for that because the general densities and types of uses are already approved for the development. So, with that if you have any other questions, I'd be happy to answer them.

Mr. Bolton stated just a comment. Nationally, this has been done forever. I mean, for as long as I can remember reading. So, I'm a little surprised that we don't have this. I mean, what motivated this? I'm glad we're doing this.

Mr. Plachcinski stated it's my understanding that at some point, the city of Danville did have a regulation on the books, but it was proving no less cumbersome than doing everything conventional, so it just got removed during a previous zoning ordinance change and nothing was ever really put forward to take its place. So, this is our chance to do that, and I think it's straightforward and it keeps, you know, everything very publicly forward and it still has a great review process.

Mr. Bolton stated yeah, they do.

Mr. Garrison stated there is no one here so I don't see any need in opening the public hearing. If you have no questions can we have a motion.

Mr. Bolton made a motion for recommendation of approval for Rezoning Application PLRZ2021-312 to add Article 17, entitled Planned Unit Developments to provide greater flexibility in land development regulation and land use arrangement. Ms. Evans seconded the motion. The motion was approved by a 7-0 vote.

IV. OLD BUSINESS

1. Rezoning Application PLRZ2021-255, initiated by the City Planning Director, requests to rezone 924 Arnett Boulevard (Parcel ID# 00319) from OTR Old Town Residential to HR-C Highway Retail Commercial. The owner intends to operate commercial uses on the site as it was developed in 1950.

Mr. Plachcinski stated I spoke with the property owner Richard Holbrook who had explained to me in a lot of detail that he and the potential tenant had resolved their issues with the neighbor, including you know, parking the neighbor's vehicles, maintaining it, trying to keep some of the traffic that some of the other uses closer to Piney Forest are generating out of the parking lot there and he assured me they would attend the meeting and they're not here.

Ms. Evans stated this is the second time that he has not attended a meeting, correct?

Mr. Plachcinski stated I think we have some other perpetual application too from folks that are supposed to be letting us know. So, I guess I would ask if there's a way we could continue this until they set the time and to show up again without necessarily having to put it on the next agenda item.

Mr. Kahn stated do we really have to go on with this because this is the second time, they didn't show up again, right? So, are we, do we have to go through this again and then set a time until they find time that they can come before us for the purpose? I mean, What? What is their urgency and their part of they can't show up?

Mr. Plachcinski stated I think that genuinely, everybody should be allowed one oversight. This is the second one and I appreciate the frustration. Again, I've spoken with them and confirmed the time, and you know, with the first applicant Nadine Etchison she had amended her travel plans to make sure she could be here today instead of postponing it until October.

Mr. Petrick stated Mr. Holbrook had claimed that he'd gotten this worked out with the homeowner who was complaining?

Mr. Plachcinski stated yes sir.

Mr. Kahn stated he's not here to say it.

Mr. Garrison stated and she's not here too.

Mr. Kahn stated exactly right. I mean, so that's my point.

Ms. Evans stated can we postpone it indefinitely.

Mr. Whitfield stated you can't let it sit out there forever.

Ms. Evans stated can we say it has to be heard within three, or six months, and if not?

Mr. Garrison stated we have a time limit of ninety days to report out anything brought before us. Now, if the applicant keeps requesting that it be delayed, then that doesn't count against our ninety days.

Ms. Evans stated so we have done thirty already?

Mr. Garrison stated we are working on sixty now.

Mr. Whitfield stated nobody's here to ask you to do that.

Mr. Garrison stated from a legal standpoint, can we just postpone it indefinitely?

Mr. Whitfield stated you must do some sort of action and you know, if you were to postpone it until next month, that's one thing that isn't an action. Postponing indefinitely, just letting it sit out there, I'm not sure that meets the legal requirements.

Mr. Garrison stated there's another case that has been sitting out there that was remanded to us by the BZA that has been sitting out there now for close to two years or maybe twenty months. Nothing has been done. At what point do we say as a planning commission, you're obviously not interested in us making a ruling and if we don't make a ruling on that case, that was remanded to us by the BZA, then, they are going to be legally well, they're still legally in violation. They're going to be more than legally in violation because they get a pass because it's before us and they've never bothered to come back.

Mr. Whitfield stated you need to set a time limit that this is going to be heard this day and if it's not heard by this date, then we'll consider denying it.

Mr. Garrison stated do we need to put that in the zoning regulations?

Mr. Whitfield stated yes.

Mr. Garrison stated Mr. Plachcinski would you look at what the standard is for that?

Mr. Plachcinski stated yes.

Ms. Evans stated if we deny it, then they cannot apply for another year, correct?

Mr. Whitfield stated if you recommend denial they still go before the city council. If you'll recall, the last couple months ago the lady didn't show up and then she was very late, and it was denied. So, she went before city council and they ultimately decided to give her the special use permit. This is just a recommendation to council and then council makes that final call. They get a second bite at the apple even if you say deny and neighbors get a second bite of an apple if you say recommend approval. I mean, so it's ultimately the council's going to make that decision.

Mr. Dodson stated if we give them thirty more days and Doug gets in touch with the guy and he doesn't come then we can just kill it then.

Mr. Garrison stated we can recommend denial. We can't approve or disapprove anything. Council has that authority.

Mr. Dodson stated I understand. We would be done with it.

Mr. Whitfield stated I would say it is if Doug said thirty more days then you would have the public hearing and you would go through the case just as if everybody was here. People weren't there and then based on that make a recommendation. It could be a circumstance where you go, well this is easy. We want to recommend approval. So, rather than saying in thirty days we'll kill it. In thirty day, we're going to have a hearing whether you're here or not.

Mr. Garrison stated since the regulation requires us to report out in ninety days could we consider then the fact that if they don't show up for three months that we will just go ahead and hold a hearing. If we don't have answers to your questions, we could deny it or recommend it.

Mr. Kahn stated that's a good option.

Mr. Garrison stated that may be a basis for the code change to put in there what we have to do but also what other people must do.

Mr. Plachcinski stated right now, you've had a public hearing on this, and I think there we're adequate concerns from the neighbors that have not been rebutted. So, given the record and given the information presented to you, that is what you have to make your decision on at this point. So, unless the owner shows up and preferably also the neighbor or provide some written statements or something, then, the only information you have to make your

decision on is, although incomplete from their perspective, what you have from that public hearing.

Mr. Petrick stated you talked to Mr. Holbrook and he had indicated that they would be here today?

Mr. Plachcinski stated yes sir. We call the applicants ahead of time. I received a call today where someone said that they received a call from this number, is the zoning meeting still on for today? We do reach out and we can resend the notice or send certified mail to Mr. Holbrook and the neighbor if we need to.

Mr. Petrick stated I don't think that's our duty or yours to beg these people to show up in a public hearing that they requested.

Ms. Evans stated I agree.

Mr. Petrick made a motion to deny Rezoning Application PLRZ2021-255. Mr. Kahn seconded the motion. The motion was approved by a 5-2 vote.

Mr. Bolton stated this just goes to city council with a denial.

Mr. Whitfield stated It goes to city council for a recommendation of denial on a five to two vote.

Ms. Evans stated but they can approve it?

Mr. Whitfield stated it's almost like starting all over again.

Mr. Garrison if he doesn't show up for city council who knows what if they will approve or not.

V. NEW BUSINESS

1. Review of a Final Major Subdivision Plat PLMAJP 2021-325 for the creation of five (5) lots on Seminole Drive.

Mr. Garrison stated this is part of the Habitat for Humanity that we approved some time back for that whole area and this is just the first five plots. Am I correct?

Mr. Plachcinski stated that is correct.

Mr. Garrison stated you all have seen copies of it do you have any problems with it?

Mr. Bolton stated does this go to city council or is it the final decision?

Mr. Whitfield stated this is it.

Mr. Garrison stated city council has already approved them building the houses. This is just showing the first five lots that they're going to build the houses on.

Mr. Petrick made a motion to grant approval to adopt a resolution of the Final Major Subdivision Plat PLMAJP 2021-325. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.

VI. PLANNING DIRECTOR'S REPORT

Mr. Plachcinski stated I have a call tomorrow scheduled with the consultants from Smith Group to go over the preplanning scope through the rest of the fall for the 2022

comprehensive plan update. Once we hammer out that scope, we'll incorporate the planning commission into the discussion through the fall and then the plan is to go live with the comp plan update through next year. So, we're kind of doing our field work and homework in the meantime as we prepare so that we can be well informed and have a good system in place for the work that we'll have to do next year. I'm pleased that I'll have a zoning tech starting on October 1st, knock on wood that everything goes well. I am excited to have Ms. Williams on board. We will probably have you come and stick her head in at the next meeting and say hi to everyone and introduce herself. The meeting next month will be on Tuesday, October 13

VII. APPROVE MINUTES FROM AUGUST 9, 2021

The August 9, 2021 minutes were approved by unanimous vote.

VIII. ADJOURNMENT

With no further business, the meeting adjourned at 3:58 p.m.

APPROVED _____