**Plan Commission Meeting Minutes**
**Monday, September 11, 2023 at 6:00 pm**
**Hybrid Meeting**

**Members Present**: Mayor Swadley, Chair; Brett Schumacher; Dorann Bradford; Tom Robinson; Phil Caravello and Al Farrow
**Members Absent:** Tom Majewski
**Staff**: Director of Planning & Development, Rodney Scheel; Zoning Administrator
**Guests**: Daniele Thompson; Gary Becker; Katrina Becker; Tyler Denig; Bruce Hollar; Jerod Bennet; Anwar Zaidi; Charles Elliott, David West; Ombeni Pallangyo; Ron Klaas; David Ferris; Steve Tremlett

1. **Call to Order.** Mayor Swadley called the meeting to order at 6:04 pm.

2. **Roll call and verification of quorum.** Mayor Swadley verified a quorum is present.

3. **Certification and compliance with open meetings law.** Mayor Swadley certified compliance with open meetings law.

4. **Plan Commission meeting minutes of August 14, 2023.**
   Motion by **Bradford** to approve the minutes as presented, 2nd by **Schumacher**. Motion carried unanimously.

5. **Council Representative Report.**
   Mayor Swadley identified items that are scheduled to be at the next Council meeting.

6. **Status of Current Developments.**
   Scheel introduced the status of developments as outlined in the packet of materials. There were no questions.

7. **TID No. 6 Project Plan & Territory Amendment.**
   David Ferris gave an overview of the project plan.

   Mayor Swadley opened the public hearing.

   No one registered to speak.

   Mayor Swadley closed the public hearing.

   Motion by **Bradford** to recommend Common Council approval of the TID No. 6 Project Plan & Territory Amendment Resolution as presented, 2nd by **Schumacher**.

   Motion carried unanimously.

8. **Certified Survey Map (CSM) for property at the southeast corner of US Highway 51 and County Highway B for STI Holdings**.
   Mayor Swadley introduced the CSM request. Scheel gave an overview of the resolution and highlighted the condition related to the right-of-way width for Greenbriar Drive.

   Steve Tremlett of MSA explained their rationale for the 90-foot right-of-way width proposed on the CSM versus 100 feet. Greenbriar is considered a collector street. City ordinances identifies 80-feet as the normal right-of-way width for collector streets. The amended Comprehensive Plan identifies Greenbriar Drive for a 100-foot dedication. Mr. Tremlett indicated the proposed 90-foot right-of-way dedication will include an off-street 10-foot shared-use path on the north side of Greenbriar with a 13-15 foot terrace and a 5-foot sidewalk on the south side of Greenbriar with an 8-foot terrace.

   Motion by **Farrow** to recommend Common Council approval of the CSM resolution with a change to resolution item #3 to allow the 90 foot right-of-way for Greenbriar Drive (not to require 100 feet), 2nd by **Bradford**.

   Motion carried unanimously.

9. **Preliminary Condominium Plat for Lot 6 at 51 West Subdivision.**
   Commissioner Caravello and City Attorney Matt Dregne arrived.

   Scheel provided an overview of the condo plat.

   Mayor Swadley opened the public hearing.

   Charles Elliott spoke on behalf of the development in favor of the plat and is available for questions.

   Mayor Swadley closed the public hearing.

   Motion by **Schumacher** to recommend Common Council approval of the Preliminary Plat Resolution as presented, 2nd by **Bradford**.

   Motion carried unanimously.

10. **Final Plat for 839-981 N. Page Street.**

    Scheel provided an overview of the final plat.

    Motion by **Bradford** to recommend Common Council approval of the Final Plat Resolution as presented, 2nd by **Caravello**.

    Motion carried unanimously.

**11. Final Plat for Lots 1, 3 and 4 within the 51 West Subdivision.**
Scheel provided an overview of the request for this application.

Motion by **Schumacher** to recommend Common Council approval of the Final Plat Resolution as presented, 2nd by **Farrow**.

Motion carried unanimously.

**12. Specific Implementation Plan for Lots 3 and 4 within the 51 West Subdivision.**
Scheel provided an overview of the SIP materials.

Motion by **Bradford** to approve the site plan as presented, 2nd by **Farrow**.

Motion carried unanimously.

**13. Conditional Use for an Indoor Commercial Entertainment use (restaurant/tavern) at 210 Water Street.**
Scheel explained the request.

Mayor Swadley opened the public hearing.

Mary Condon, 214 W. Washington Street, spoke and presented information about the past uses and issues related to noise from this location affecting nearby residents. When they bought, their house that is located across the river from this location, the subject property was an ice cream parlor. It was subsequently converted to a bar with live music. The neighbors worked with the owners as well as the City related to noise issues. Requirements were put in place to require all windows and doors be closed by 11:00 pm and to not allow use of the deck after 11:00 pm.

The applicant, Mr. Pallangyo, spoke about wanting to be a good neighbor and not create noise complaints. He wants to create a quiet vibe location with no karaoke or amplified music. He understands the need to maintain a location that doesn't create problems for the City and the neighbors. He is supportive of conditions to control noise.

The commission discussed amplified music with the city attorney who indicated that amplified music is amplified by electronic means, and would not include, for example, an acoustic guitar that is not amplified by electronic means.

Mayor Swadley closed the public hearing.

Motion by **Schumacher** to recommend Common Council approval of the CUP Resolution with these additional conditions:

- No amplified music allowed indoors or outdoors;
- Windows and doors to be closed and no outdoor patrons or activities after 11:00 pm nightly.

2nd by **Caravello**.

Motion carried unanimously.

**14. Land Division at 1450 Pleasant Hill Road, Town of Dunkirk**.
Scheel explained the request is to separate the agricultural land from the buildings and the site is located at the outer limits of the City's extra-territorial jurisdiction.

Motion by **Caravello** to recommend Common Council approval of the ETJ Land Division as presented, 2nd by **Bradford**. Motion carried unanimously.

**15. Future agenda items.**
Final plat for Lot 6 at 51 West Subdivision.
Proposed ordinance amendment for in-vehicle sales and service.

**16. Adjournment.**
Motion by **Caravello** to adjourn at 7:10 pm, 2nd by **Schumacher**. Motion carried unanimously.

Respectfully Submitted,

Rodney Scheel