

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
July 12, 2010

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Chairperson Torres called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

PRESENT: Binnie, Dalee, Torres, Coburn, Miller, Stone, Meyer (Alternate). ABSENT: Zaballos. OTHERS: Wallace McDonell/City Attorney, Mark Roffers/City Planner, Bruce Parker/Zoning Administrator, Wegner/Secretary.

HEARING OF CITIZEN COMMENTS. This is a time in the agenda where citizens can voice their concerns. They are given three minutes to talk. No formal Plan Commission Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.

There were no citizen comments.

REPORTS:

a. Report from Community Development Authority Representative. Representative Tom Miller reported that the CDA had a discussion on the TIF 4 as to whether to extend it or not, pros and cons. They needed more information so no action was taken. At the Tech Park, the footings of the Innovation Center are in. They had a little difficulty due to the limestone.

b. Report from Urban Forestry Commission Representative. Representative Tom Miller reported that there was no meeting.

c. Report from Park and Recreation Board Representative. Representative David Stone reported that there was a donation of land from Jean Trost to be used as a nature preserve. They also had a presentation on baseball field use.

d. Report from City Council Representative. Council Representative Lynn Binnie reported that the request disbanding the Urban Forestry Committee was withdrawn.

e. Report from Tech Board Representative. Representative Rod Dalee reported that there has been no meeting.

f. Report from the Downtown Whitewater Inc. Board Representative. No report.

g. Report from staff. No report.

h. Report from chair. No report.

MINUTES. Moved by Miller and Coburn to approve the Plan Commission minutes of the June 14, 2010 meeting. Motion approved by unanimous voice vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A “CLASS B” BEER AND LIQUOR LICENSE FOR CIRCLE INN LLC. (PATRICK WELLNITZ, PRESIDENT), TO SERVE BEER AND LIQUOR BY THE BOTTLE OR GLASS AT 140 W. CENTER STREET (HAMMERS HOMETOWN TAP). Chairperson Torres opened the public hearing for consideration of a conditional use permit application for a “Class B” Beer and Liquor License for Circle Inn LLC. (Patrick Wellnitz, President), to serve beer and liquor by the bottle or glass at 140 W. Center Street (Hammers Hometown Tap).

Zoning Administrator Bruce Parker explained that Patrick and Diane Wellnitz wish to acquire “Hammers Hometown Tap” from Barb Hamilton. A conditional use is required for them to serve beer and liquor by the bottle or glass. The first floor of the building is the bar area. The basement will be used for storage. There are no plans for outdoor seating. If they would choose to expand with a sidewalk café, it would come back at a later date.

Chairperson Torres closed the public hearing.

Moved by Miller and Stone to approve the conditional use permit for a “Class B” Beer and Liquor License for Circle Inn LLC. (Patrick Wellnitz, President), to serve beer and liquor by the bottle or glass at 140 W. Center Street. The conditional use shall run with the owner of the business and not with the land. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A CLASS “B” BEER LICENSE FOR ROARING FORK LLC., TO SERVE BEER BY THE BOTTLE OR GLASS AT 1114 W. MAIN STREET (QDOBA MEXICAN GRILL).

Chairperson Torres opened the public hearing for consideration of a conditional use permit application for a Class “B” Beer License for Roaring Fork LLC., to serve beer by the bottle or glass at 1114 W. Main Street (Qdoba Mexican Grill).

Zoning Administrator Bruce Parker explained that Plan Commission was to review the exterior alterations and the conditional use to allow beer to be sold by the bottle or glass at 1114 W. Main Street (Qdoba Mexican Grill) including the outdoor patio area.

Ben McCready, a resident of Whitewater, stated that he loved the Qdoba in Madison. They serve beer. It is a normal part of the Qdoba menu.

Sue Messer, resident of Whitewater, asked if there was a limit to the number of alcohol licenses.

City Attorney McDonell explained that for beer only, there is no limit. City Council grants the license. Plan Commission determines if it is zoned for the serving of alcohol. McDonell also explained that if there is a problem, there could be grounds for revocation of the license.

Zoning Administrator Bruce Parker explained that the hours of operation include 24 hour food service on Thursdays, Fridays, and Saturdays. Beer sales would follow City and State regulations.

The City Planners recommended approval of the conditional use permit for the sale of beer or liquor by the bottle or glass for the Qdoba restaurant at 1114 W. Main Street, subject to the following conditions as amended at the meeting:

1. The outdoor patio shall be operated in accordance with the following standards:

- a. The outdoor patio shall be maintained in a neat and orderly manner at all times. Debris and all alcohol containers shall be removed from the patio and surrounding areas as necessary during the day and again at the close of each business day.
- b. Alcohol may be served on the outdoor patio only under the following conditions:
 - i. Alcohol is served by the licensee or the licensee's employees in compliance with alcohol beverage laws, ordinances, and regulations.
 - ii. Alcohol is sold and served by the licensee or licensee's employees and sold or served only to patrons that will be seated at tables in the outdoor patio.
 - iii. The business owner does not allow patrons of the outdoor patio to bring alcohol into the outdoor patio from another off-premise location, nor to carry containers of alcohol served in the outdoor patio to areas outside of the outdoor patio area (except into the building).
 - iv. The area from which the alcohol is dispensed shall be located indoors. No service bar, or any other or drink preparation, storage area, refrigeration apparatus, is located on the outdoor patio.
 - v. No alcohol is served or consumed on the patio after 12 a.m. or before 10 a.m.
 - vi. All tables located in the outdoor dining area shall be match one another and have compatible chairs/stools. All tables and chairs/stools shall be durable and weather resistant, and shall not advertise the business or any product, whether such product is available at the business or not. Umbrellas and other decorative material shall be made of treated wood, canvas, cloth, or similar material that is manufactured to be fire resistant.
2. Alcohol may be served inside the restaurant up until the restaurant closes in the evening, or until bar time, whichever is earlier.
3. The property shall comply at all times with the City's noise ordinance, and may be inspected by the City at any time to ensure such compliance.
4. The conditional use permit for the sale of beer by the bottle or glass shall run with the business owner (Roaring Fork, LLC) and not the land.

Chairperson Torres closed the public hearing.

Moved by Binnie and Coburn to approve the conditional use permit for a Class "B" Beer License for Roaring Fork LLC., to serve beer by the bottle or glass at 1114 W. Main Street (Qdoba Mexican Grill) subject to the conditions of the City Planners as amended at the meeting. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION (TO OPERATE A BAKERY OUT OF THEIR HOME) AT 409 E. CRAVATH STREET FOR JAMES MCKENZIE. Chairperson Torres opened the public hearing for consideration of a conditional use permit application for a home occupation (to operate a bakery out of their home) at 409 E. Cravath Street for James McKenzie.

Zoning Administrator Bruce Parker explained that a conditional use permit is required for a home occupation. This proposed bakery would be located in a portion of the garage (addition) to the north end of the property. The driveway to the property is located on Wood Street.

Jim McKenzie explained that they wanted to lower the risk of a start up business to develop a product that there might be a demand for. If it grows to be profitable enough, they could move to a commercial business site.

The City Planners recommended approval of the conditional use permit to operate a home occupation out of the property at 409 E. Cravath Street for James McKenzie, subject to the following conditions:

1. The applicant shall make all improvements to the existing garage and operate the home occupation in accordance with the conditional use permit application submitted 5/17/10, including the Site Plan Elevation Drawing (south side), Elevation Drawing (east side), Elevation Drawing (north side), Floor Plan, and Utilities Plan.
2. The home occupation shall be operated at all times in full accordance with home occupation standards in the City's zoning ordinance.
3. The new siding on the garage shall be similar in color, materials, and lap width to the existing siding on the garage.
4. The conditional use permit for the home occupation shall run with the property owner and not the land.

Jim McKenzie stated that he agreed with the City Planner conditions. There will be red siding on the entire garage. There will be a wall with a door separating the garage area from the addition. The bakery facility will be inspected by the Health Inspector. They plan to make German and Artisan style breads.

Plan Commission Member Meyer was concerned with types and times of deliveries. Meyer would rather see this type of business in the downtown area. He suggested that Plan Commission look at where businesses are filtering, especially when it is out into neighborhoods.

Terry Schramm, resident, stated the home bakery was a good idea. It is good to encourage business; give it a chance.

Mary Ann Scott, neighboring property owner at the corner of Wood and Cravath Streets, approved of the operation. It is a great place to have a start up business. A small truck coming into this area probably would not be noticed. A business needs a place to start.

Jim McKenzie explained that they planned to bake one to two days per week, and expected their deliveries to be toward the end of the week. They are looking at actual sales on a two times per week basis, for example delivering to a church or a summer camp once a week. They plan to do low variety, but high volume.

Chairperson Torres closed the public hearing.

Jim McKenzie said they would be doing mostly breakfast type baking: bagels, cinnamon rolls, scones, granola, artisan breads. They would hire one person at most. If there is an odor from the exhaust fans, they will remedy the situation.

Moved by Miller and Binnie to approve the conditional use permit for a home occupation (bakery) at 409 E. Cravath Street for James McKenzie subject to the conditions of the City Planners. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CHANGE OF THE DISTRICT ZONING MAP FOR THE FOLLOWING AREA TO ENACT AN ORDINANCE TO IMPOSE THE R-O NON-FAMILY RESIDENTIAL OVERLAY DISTRICT ZONING CLASSIFICATION UNDER CHAPTER 19.25 OF THE ZONING ORDINANCE OF THE CITY OF WHITEWATER: FOR THE R-1 ZONED PROPERTIES IN THE AREA OF N. ESTERLY AVENUE, N. FRANKLIN STREET, N. PARK STREET, AND W. STARIN ROAD. Chairperson Torres opened the public hearing for consideration of a change of the District Zoning Map for the following area to enact an ordinance to impose the R-O Non-Family Residential Overlay District Zoning Classification under Chapter 19.25 of the Zoning Ordinance of the City of Whitewater: for the R-1 Zoned properties in the area of N. Esterly Avenue, N. Franklin Street, N. Park Street, and W. Starin Road.

As part of the record, Chairperson Torres read the letter from Councilperson Jim Winship, who requested the overlay zoning. Winship's letter explained what the overlay zoning district is, how it came about, and asked for the Plan Commission's consideration.

City Planner Mark Roffers explained that the overlay district is new. It is an addition to the base standards. The proposed area is in an R-1 (Single Family Residential) Zoning District. The area is primarily single family homes with other related uses. If it were approved, it would be an additional set of standards which would limit a non-family household to two unrelated persons. The process starts with the applicant requesting the overlay zoning; Plan Commission reviews it and makes recommendation to the City Council. The City Council makes the decision. In the Comprehensive Plan, this neighborhood is rated highly to preserve it in single family. 98% of the housing units are single family units. There are three duplexes on Park Street. 92 % of the homes are single family occupied.

Mitch Simon, citizen of the area, did not have an issue for himself, but he felt there could be a problem if one person can apply for an overlay zoning of 123 residences, it would set a dangerous precedent. It violates the American way of doing things.

Kelly and Mike Kissel, owners of the property at 237 N. Park Street, were against the overlay zoning. They bought the property so their children would have a place to stay while they went to the University, and to make some money on their investment. The overlay zoning restricting the number of persons allowed to live in a home will affect the marketability of the home. People will be less interested in purchasing property with this restriction.

Jim Leaver, 180 N. Esterly Avenue, explained that there was a misconception. Homes that are currently rented to three unrelated persons will be able to continue to rent to three unrelated persons.

City Attorney McDonell explained that renting to three unrelated becomes a non-conforming use. This use would be able to continue. The property owner would need to register the property within 90 days after the overlay zoning is adopted. If a non-conforming use is terminated for 12 months, the property would then have to conform to the current regulations. Applications for this R-O Overlay Zoning can be applied for by a Council member, the Council as a whole, or the Plan Commission as a whole. Jim Winship clearly applied for the R-O Overlay Zoning for this property as a Council member.

Ben McCready, resident of Whitewater for 20 years, explains that he has seen a lot of rentals all with good intentions, but they do not always turn out that way. More families are buying homes to rent to students.

Nubby Paynter, 143 N. Franklin Street, has lived there since 1970 and wants to preserve their predominantly family neighborhood.

Jesse Dugan, 254 N. Park Street, stated that this overlay zoning is in line with the City of Whitewater Comprehensive Plan. This is very important to a lot of people and young families.

Peggy Wenzel, resident of the area, wants to use the tool to keep the nicest neighborhood in town.

Jerry Collins, N. Esterly Avenue, stated that he lives on the nicest street in town. He raised his family there. He would like to keep the character of the neighborhood family oriented. Older people also like small children around.

Brian and Kathy Remus, owners of 613 W. Starin Road, are opposed to the change. Their daughter graduated last May. They did not understand the zoning at the time they bought the property. The property has had no cash flow and has been a lot of hassle. They do intend to sell the property.

Jeff Eppers, 623 W. Starin Road, stated that he had talked to the wife and daughter when they moved into 613 W. Starin Road and was told that they needed to put more in to make ends meet. Eppers felt that people who cheat make it unfair to those who follow the rules.

Rick Hintz, 221 N. Fremont Street, spoke in support of the overlay zoning. He has lived there for 15 years. He would be in favor of the overlay zoning for Fremont Street also in an effort to stop the progression of more and more rentals. He can see his neighborhood changing.

James Hartwick, 178 N. Franklin Street, President of the Neighborhood Association, stated that he has had a lot of emails in support of this overlay zoning. They want to protect the neighborhood. He asked for the Plan Commission's support for the overlay zoning. Chairperson Torres closed the public hearing.

The Board members commented. Dalee stated that he lives in the area and wants to preserve it; Coburn felt this is a strong commitment for the community and she would be voting for the overlay zoning; Stone explained that with all the requests from the residents of the neighborhood for this overlay zoning that he would be voting for the overlay zoning. Stone also felt that it is important for the Plan Commission to look at other places in the community for landlords to expand their business. Chairperson Torres sympathizes with the property owners. He cannot support more regulations. He has concerns with the process to keep rentals and feels that it tells people not to risk renting in Whitewater.

City Planner Mark Roffers noted that references to Fremont Street in his report should be Franklin Street.

The City Planners recommendation is as follows: Their analysis suggested that the Historic Starin Park Neighborhood is a very appropriate place to target for proactive neighborhood preservation strategies focused on maintaining single-family, owner-occupied character. Application of the R-O overlay zoning to this area of the City would be consistent with the

recommendations and policies outlined in the Comprehensive Plan overall and for this neighborhood. They therefore recommended that the Plan Commission recommend Common Council approval of the request to apply the R-O Non-Family Household Overlay Zoning to all 123 properties (166 tax parcels) included in the petition and located along N. Esterly Avenue, N. Franklin Street, N. Park Street, and W. Starin Road.

Moved by Binnie and Meyer to recommend to the City Council to adopt the change in the District Zoning Map to impose the R-O Non-Family Residential Overlay District Zoning classification for the R-1 zoned properties in the area of N. Esterly Avenue, N. Franklin Street, N. Park Street and W. Starin Road; and the Plan Commission finds the R-O Non-Family Residential Zoning Overlay District for this area to be in compliance with the City of Whitewater Comprehensive Plan. Motion approved with all ayes except Torres voted no.

PUBLIC HEARING FOR THE CONSIDERATION OF A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF THE PROPOSED BUILDING ADDITION AT 1362 W. MAIN STREET FOR WALMART. Chairperson Torres opened the public hearing for consideration of a conditional use permit for the construction of the proposed building addition at 1362 W. Main Street for Walmart.

Zoning Administrator Bruce Parker explained that the City has been working with Walmart and making recommendations. Walmart has made changes to the entrances on Main Street, front elevations changed and improved. The stop and go lights will not be installed immediately. The City Engineer, Strand and Associates, have reviewed the plans for storm water. The Fire Department has reviewed the plans for fire access. They would like to see a fire access lane to the east side of the building.

City Planner Mark Roffers explained that they had received revised plans. There were still a number of minor issues, but the main issue is the fire access to the building. Roffers recommended postponing or making approval subject to conditions.

Debby Tomczyk, the attorney for Walmart, explained the situation. They met with city staff on March 18th; April 21st, they met with city residents with about 70 people attending. At this meeting they wanted to focus on the open items. The challenge is the timing. They want to be up and running by October 2011 with a pre-holiday opening. It will take 12 months of construction, needing an October 2010 construction start. It will take approximately three months of design and internal approval process. They are balancing a tight site. The fire access to the east side of the building is a challenge. There is fire access to the west side of the building and an access behind the building has been added. The building is fully sprinklered. They can prohibit snow storage and not let the trucks park on the west side of the building. The truck docks are in back of the building. A fire access on the east side would take away from the 20 % required landscaping. They are re-inventing and rejuvenating the site. They have improved the stormwater with a pond on the east side of the building. The traffic impact is also incorporated on the plan. The traffic signal on the east entrance is proposed for future installation. There is a good chunk of green space at the back of the building. They feel they have met the standards for the conditional use permit with the landscaping at 20% and that the 28,000 sq. ft. addition to the building is appropriate. The whole design team was present at the meeting. They wanted to hear from everyone and get their comments.

Denay Trykowski, who lives south of Walmart, had some concern about the landscaping and was hoping they were going to preserve the old oak tree near Main Street.

Don Gregoire, Fire Chief, stated that he wanted a 20 foot access driveway on the east side of the Walmart building in order to give them 360 access. New buildings are required have this access. It is a life safety issue which is most important. The 1.7% loss of green space is not as important. The Fire Department wants a hard surface access with a hydrant to be able to take care of Walmart and Sentry Customers and Staff, and the Fire Department.

Plan Commission Member Binnie stated that he was struggling with finding something unique about this site that would meet the criteria for where you have to have the 360 degree coverage. According to NFPA, it is only in the circumstance of expectation of impairment of that primary road that it is necessary.

Fire Chief Don Gregoire explained that the size of the building with the addition (300 ft.), an aerial truck at each end of the building would not cover the area. State Code requires a 20 foot wide easement, hard surfaced road and 13.6 feet in height with no obstruction.

City Planner Mark Roffers explained that there is a degree of discretion by the Fire Chief to make a decision based on the standard. This creates a couple of issues with green space, and storm water and storm quality. There is potential opportunity to have 270 degree access with a possibility of a connection to the Sentry parking lot with a connection to Yoder Lane to the back of the Sentry building.

City Manager Kevin Brunner explained that the potential alternative needs to be explored. As a City Manager, he hopes the project is approved. It is good to be developing the existing site, but Brunner is disappointed that the Walmart site is not being expanded. He is concerned about the life safety issue. The City needs to take direction from its Fire Department. Expanding the Walmart building will make it one of the larger building in Whitewater. Brunner is also concerned that the green space keeps being reduced which sets a dangerous precedent. Standards are established for a reason. Brunner felt that Walmart should still attempt to expand the site.

Kerry Hardin, Civil Engineer for Walmart, stated that they would coordinate with the Fire Chief. They would put hydrants wherever the Fire Department would require. They would be able to accommodate the access to Sentry. They have contacted the car wash owner for the pedestrian access easement and have been successful.

Attorney Debby Tomczyk stated that they have had a number of discussions with the property owner to the north and west of the Walmart property and have not been productive in coming to a resolution.

Attorney Mitch Simon, representing DLK Properties who owns the land north and west of Walmart, explained that they are willing to work with Walmart with the land in back of the building in order to expand the site westerly (just the back piece behind the site). This would provide an alternate location for a detention basin and additional green space. It would also allow the drive requested by the Fire Department for 360 degree access to the building. Simon also stated that they are prepared to respond in short order.

When asked about the storm water run-off, Kerry Hardin stated that it would be released from the site at a discharge rate lower than the existing rate.

Jeff Knight, resident of the west side of Whitewater and a CDA member, felt that whenever inadequate landscaping plans were provided, they were trying to put too much on a postage stamp. Walmart is a large company. The question is “what is the hardship?”, if they are not

providing safety and reducing the required landscaping. Safety is crucial. Integrating well with the community is very important. The City needs to set a standard for everyone so that everyone is following the same standard.

City Planner Roffers explained that it is clear that if Walmart is below 20% green space, they would need to demonstrate to the Board of Zoning Appeals that it is a hardship not created by them. Walmart will be going to the BZA for signage.

Attorney Debby Tomczyk stated that if the Plan Commission reduces the requirement of green space from 30% to 20 %, they would not be looking for more variance for green space. The addition of the 360 degree road way would create a hardship.

Plan Commission Member Binnie stated that the most important green space is what you can see from Main Street. He also thought that the Plan Commission should give the professionals more time to work on the issues, possibly a couple more weeks. Binnie also suggested that it is not appropriate for the Plan Commission to sign off on the traffic signals at \$42,500. Once Walmart installs a grocery store, traffic will increase toward Walmart. Plan Commission should not sign off on today's cost.

City Planner Mark Roffers explained that there will have to be a substantial agreement between City Staff that can be presented to the Plan Commission, an outline of the development agreement. Before getting a building permit, Walmart would need to successfully negotiate a developer agreement which will be a check and balance with public officials. There are two issues that are fundamental, the fire access and the possibility of adding additional property. Roffers did not feel it was appropriate for Plan Commission to offer approval at this meeting.

Walmart Attorney Debby Tomczyk asked if there would be potential for a special meeting and if it was possible to break up the approval so that they would at least know that they could put the addition on the building and be able to proceed with the project.

City Planner Roffers explained that some cities pull apart the conditional use permit with limitations. Whitewater has always done the approval as a whole. He would be more supportive of an additional meeting for added information and to address the fire issue. He would be available in three weeks, August 2, 2010.

Plan Commission Member Binnie stated that he had not heard anything of significant public objection to the idea of the Walmart expansion, and that this size of project warrants consideration of a special meeting. Binnie suggested that the Plan Commission postpone their decision.

Plan Commission Member Stone asked that the special meeting on August 2, 2010 be limited to just Walmart.

Moved by Binnie and Coburn to postpone the consideration of the conditional use permit for the construction of the proposed building addition at 1362 W. Main Street for Walmart to a special meeting to be held on August 2, 2010. The public hearing will be held open until that time for the staff of Walmart to attempt to reach an agreement on the issues. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CHANGE OF THE ZONING ORDINANCE REGULATIONS, TO ENACT PROPOSED AMENDMENTS TO THE CITY OF WHITEWATER MUNICIPAL CODE TITLE 19, BY CREATING CHAPTER 19.485

LARGE RETAIL AND COMMERCIAL SERVICE DEVELOPMENT STANDARDS.

Chairperson Torres opened the public hearing for consideration of a change of the Zoning Ordinance Regulations, to enact proposed amendments to the City of Whitewater Municipal Code Title 19, by creating Chapter 19.485 Large Retail and Commercial Service Development Standards.

City Planner Mark Roffers explained that this proposal is for retail and commercial buildings, requiring buildings of 20,000 sq. ft. or greater to have conditional use permit approval. The ordinance establishes application and study requirements and focus, and includes building and site standards. The ordinance has 4 general categories. One standard of concern is the standard wherein larger buildings, if vacated in the future, after 10 years the building would have to be removed.

Plan Commission Member Binnie voiced his concern that the demolition possibility could make it difficult for developers to obtain financing.

City Attorney McDonell polled 5 bankers. All of them were strongly opposed to requiring a tear down due to underwriting. The banks would not be able to provide more than a ten year loan.

Zoning Administrator Bruce Parker explained that buildings would be required to be inspected annually inside and out. After 5 years of vacancy, with the exception of fire, the large parking lot would be required to be removed and put back into grass.

Chairperson Torres closed the public hearing.

The City Planners recommended that the Plan Commission recommend City Council approval of the Large Retail and Commercial Service Development ordinance, as revised and amended at the meeting.

Moved by Binnie and Coburn to recommend to the City Council to approve the proposed amendments to the City of Whitewater Municipal Code Title 19, to create Chapter 19.485 Large Retail and Commercial Service Development Standards for approval.

Moved by Binnie and Torres to amend out the 10 year vacancy requirement. The amended motion was approved by unanimous roll call vote.

The original motion was approve with all ayes except Torres voted no.

INFORMATION:

A special Plan Commission meeting will be held on August 2, 2010 for the Walmart proposal.

The next regular Plan Commission meeting will be August 9, 2010.

Moved by Stone and Coburn to adjourn at approximately 9:50 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane Wegner
Secretary