



ORIGINAL

**PLANNING & ZONING MEETING
Minutes of March 5, 2019**

Chairperson Dave Hart opened the regular meeting at 7:00 p.m. on the above date, with the Pledge of Allegiance and the following members answering roll call:

Present:	Dave Hart, Chair	Sonny Markus	Ron Johnson
	Nick Reitman	Randy Nehus	Steven Shinkle
Absent:	Tom Wheeler		

Also Present:	Stephanie Tarter, Admin. Clerk	Carol Hofstetter, Zoning Administrator
	Andy Schabell, Mayor	Keith Hammann, Fire Department

APPROVAL OF MINUTES – February 19, 2019

MOTION: Nick Reitman made a motion to approve the minutes of February 19, 2019, seconded by Steven Shinkle. All in favor, the motion passed 5-0-1, Mr. Hart abstaining.

VISITORS AND GUESTS – None

NEW BUSINESS

Car Wash, 2 Viewpoint – Mr. Johnson asked for an update on 2 Viewpoint Dr. Ms. Hofstetter stated that they submitted a site plan, CT Consultants reviewed it and sent it back to the developers to make some changes.

UNFINISHED BUSINESS

Sidewalk Sales/Outdoor Display – Mayor Schabell addressed the commission about the results of a meeting he had with the Code Enforcement Officer Scott Davenport, Chief Cooper and Carol Hofstetter about sidewalk displays and permits. Our current permit is for no more than 14 days per year, but many stores are having sidewalk sales/outdoor displays all year long and for long periods of time during the summer. Mayor Schabell asked if the Commission wanted to delete the current ordinance or fix it to be more reasonable and easier to enforce. Dollar General was used as an example - it is 9 degrees and they have pools outside on display. How does the City manage the businesses so they do not take up their entire store front, their displays aren't out for extended periods of time, and the merchandise that is on display makes sense for the season in order that the City looks good?

Ms. Hofstetter pointed out there are some businesses that have continuous outside storage and not just a special sidewalk sale. Mr. Hammann said Dollar General puts merchandise outside because they would get fined for fire code violation if those things were inside the store. Dollar General gets trucks twice a week and they have nowhere to go with all of the merchandise. Ms. Hofstetter said the Code Enforcement Officer is meeting with their Manager this week to discuss options for that store.

Stores such as Southern States and Tractor Supply also have items stored outside their building, but because they sit back off the road, it may not be as noticeable. Ms. Hofstetter stated Tractor Supply applied for a conditional permit that allows them to store things outside and there is a clause in the ordinances stating things that cannot be reasonably stored inside can be left outside. Mayor Schabell also brought up business in the Old Town district do set things outside their store, but more as a way to lure in customers, not as storage. The City wants to allow that so those businesses succeed, so there could be an exemption for Old Town businesses. Chairman Hart stated the Old Town business district was originally set so that the Commission and City could discriminate for this sort of thing. The Code Enforcement Officer, at a previous meeting, mentioned gas stations, Walmart and other stores in the Village Green Shopping Center have items things outside their store on a regular basis.

Mr. Nehus asked if the issue was just with Dollar General. Mayor Schabell said that it was with all businesses that do outdoor sales and how does the City monitor that to ensure it doesn't take over. Mr. Nehus asked for clarification on whether it is just sidewalk or storefront. He mentioned Good Year pulls out a rack of tires every morning. If the issue is just with sidewalks, then that removes businesses like Dollar General, gas stations and tire centers, but if storefronts need to be included, then things become more complicated. Mayor Schabell said the reason he is bringing this before the Commission is because those businesses that currently have items on display on the outside of their businesses are in violation of the ordinance and that needs to be addressed. He would like the Commission to figure out how to move forward by either removing the ordinance or figuring out a way to monitor and enforce the ordinance that is currently on the books.

Mr. Markus asked if anyone knew of how other cities were addressing this issue and what ordinances they have on the books. Meijer and Home Depot in Cold Spring, and Lowes in Highland Heights have items outside their stores. There was discussion of updating the zoning regulations to allow sidewalk sales and develop regulations and specifications to allow for easier enforcement of the ordinance when businesses are in violation. Mr. Reitman said the merchandise should be put away at night, not hamper the fire lane, safety or traffic and is not an eye sore. Ms. Hofstetter said the "eye sore" is where things become subjective and enters a gray area for the Code Enforcement Officer.

"Sidewalk" would need to be defined as they are not required in front of all stores. Regulations could be changed to say outdoor sales are to be done at your store front, not sidewalk. Mr. Johnson asked if Ms. Hofstetter could pull together information about current enforcement. She informed them there is currently no enforcement other than if they are in violation of the fire lane. Did Mr. Duncan need to be brought in on the discussion? Mr. Shinkle thought he might be aware of what some of the other cities are doing to control the issue, and Ms. Hofstetter will contact Mr. Duncan. Mayor Schabell stated at the onset he thought this would be an easy solution, but the more conversations he has, the more he realizes that there is a lot of things to consider. The Code Enforcement Officer really just wants some things in place that give him stronger footing to stand on when addressing violators.

Zoning Ordinance Changes – Ms. Hofstetter sent the Commission an outline of changes for their review (see attached). Somehow in the original ordinance, "No Roosters Allowed", was overlooked and not put into the final print, so as it stands roosters are currently permitted within city limits. Mr. Hart has spoken with other cities and that is something that definitely needs to be included.

Ms. Hofstetter said bench advertising should wait until later because Mr. Duncan has some comments on that. There are also lots of things to consider regarding the use of indoor shooting ranges, and has not been up for discussion for lack of interest.

Mr. Hart asked how the chicken/rooster ordinance has been going. Ms. Hofstetter said that it has been going well and the City has not received any complaints. Mr. Nehus asked about goats in the city. Mr. Hart commented currently there is no distinction between farm animals and domestic animals, but this will need to be addressed.

Food Trucks and Farmer's Markets were discussed. Currently Farmers Markets are only allowed at Southern Lanes Bowling Alley. Mr. Nehus asked if they have to have a permit for the Farmer's Markets and Food Trucks. The food trucks have to have a food truck license, occupational license and also a certificate from the Health Department as well as a lease from the business owner where they will be parking.

Mr. Nehus also asked if fireworks vendors fell under the same permit, but Ms. Hofstetter said fireworks actually fall under a different section of the Code of Ordinances because there are a lot of things that are not allowed. Commercial sale of fireworks is the only thing that is allowed within the city limits and are limited to Type 1 and Type 2 fireworks, which include sparklers, bottle rockets, cone fireworks, roman candles, similar to what you can purchase in a package at Walmart. Mr. Hammann stated the new ruling that came down from the State says that all fireworks must be stored in a bunker or metal container (i.e. shipping container), they cannot be sold out of the back of a car. Therefore,

the only way fireworks could be sold within City limits is if the Commission wanted to allow those large shipping containers in the city. Mr. Nehus believes the if a person doesn't own property and is leasing a space, that is more of a transient permit, and the Commission does not want that in the City. They also do not want to have shipping containers sitting in the parking lots of businesses in Alexandria. Mr. Hart stated food trucks, Farmers Markets and sales such as Fireworks can be handled in a similar manner. Ms. Hofstetter confirmed that food trucks are allowed in the City, but currently they are not listed anywhere in the zoning regulations and need to list out what is required.

There was further discussion on pop-up farmer's market for a day or a weekend and whether the Commission wants to allow it or keep them where they are currently, which is at Southern Lanes Bowling Alley. Ms. Hofstetter mentioned a few different locations around the city where these could be set up. Mayor Schabell wanted clarification that the city does not currently allow farmer's markets to set up outside of the one location, and Ms. Hofstetter confirmed that. There are factors to consider, like location, parking, and foot traffic safety for pop-up farmer's markets. Mr. Reitman stated it could be a permitted use where the person would have to apply for a permit and make it a requirement for the police department and/or the fire department to sign off on the location of the farmer's market before the permit would be granted.

Ms. Hofstetter also brought up having property owners along 27 mow back 25 feet. This needs to be added to the Zoning Ordinance as it is currently required but is not stated in the regulations. Mayor Schabell asked if there was anything in the regulations to keep properties clean. He has noticed that the vacant lot on 27 that is for sale by Ken Perry is getting over grown. Ms. Hofstetter said that the City does not currently have an ordinance or regulation for that but probably should get something on the books. Ken Perry, in particular, is pretty good about cleaning up a property if you ask him to, but typically it is the responsibility of the property owner. Mr. Hart said this regulation would go under the same section as requiring property owners to mow back 25' along 27.

INTERNAL BUSINESS


City Council Report: Scott Fleckinger's last meeting was February 21 and 3 applicants have applied to fill this position. Council will have an executive session at their March 7 meeting to review applicants and appoint a new council member. The city also received 28 applications for the part-time Administrative Clerk's position. Interviews are scheduled for Wednesday, March 6.


Other Items: Mr. Markus noticed work has begun on the new subdivision on Poplar Ridge. Mr. Hammann informed the commission burning would start the following day as they only have until the end of March to burn.

ADJOURNMENT

MOTION: Nick Reitman made a motion to adjourn, seconded by Steven Shinkle. All in favor, the motion passed with a 5-0-1 vote, Mr. Hart abstaining. Meeting adjourned at 7:54 p.m.

Attested to and submitted by:


Jan Johannemann, City Clerk


Dave Hart, Chair

Dated 3/20/19

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