

**MINUTES  
PLANNING COMMISSION**

**April 24, 2013**

**MEMBERS PRESENT:** Ron Rehm, Gil Ning, Kevin Lowry, Wanda Christopher-Finn, Heather Kobilarcsik and Jackie Middleton

**MEMBERS ABSENT:** Mark Weaver and Fred Seling

**STAFF PRESENT:** Andrew Dutton

**I. MINUTES**

Ron Rehm moved, Jackie Middleton seconded, to approve the Minutes of March 27, 2013 as received. Motion carried.

**II. PUBLIC HEARINGS**

**CU-360. Rodney Ickes of Dari-Land** is requesting conditional use approval to establish a drive-thru facility at 306 West Liberty Street in a C-4 (Central Business) District.

Rod Ickes, owner of Dari-Land, stated he wished to add a drive-thru window specifically for serving ice cream. Mr. Ickes noted that food orders could also be called into the business and picked up at the window as well. Mr. Ickes stated one of the reasons for the drive-thru was that the property was landlocked and there was no area available to expand the building. Mr. Ickes noted that the lobby was small, so they were hoping to alleviate use of the lobby by providing the drive-thru. Mr. Ickes noted that the ice cream machines would all be located near the drive-thru window in order to expedite orders; their turn-around time would hopefully be 3 minutes for each vehicle/customer. Mr. Ickes noted there would be a menu-board beside the drive-thru window, and the orders would be placed at the window.

Mr. Ning questioned if the through way would all be one way. Mr. Ickes stated yes. Mr. Ickes further stated he had spoken with the City Planner, Andrew Dutton, who recommended angling the parking spaces at 90° angles on the south side of the lot be angled and noted "exit only".

Dennis Vitaro, 2846 Woodside Drive, stated while he realized the property was landlocked, Liberty Street was a major thoroughfare. Mr. Vitaro stated he was

concerned that, with having additional traffic, traffic would back up onto Liberty Street.

### III. CONDITIONAL USE

#### **CU-360. Dari-Land Request.**

Mr. Rehm noted that approval from the Engineering Department would be needed. Mr. Ickes noted that he had been in contact with the City Engineering Department.

Mrs. Kobilarcsik questioned how many vehicles could be stacked at the proposed drive-thru. Mr. Ickes stated 5. Mrs. Kobilarcsik questioned if they anticipated a problem with vehicles stacking out onto Liberty Street. Mr. Ickes stated that because they were only serving ice cream at the drive-up window, he was not concerned. Mr. Ickes noted this was traffic the business would already have and the drive-thru would enable the business to serve its customers quicker—whether walking in or driving through. Mr. Ickes noted that because of the drive-thru window, they would be hiring two additional employees to accommodate the traffic flow.

Mrs. Kobilarcsik questioned the traffic/parking for the hair salon business. Mr. Ickes noted that it would be unchanged, and they would continue to share parking.

Mr. Rehm questioned how they would prevent people using the drive-thru from ordering food. Mr. Ickes stated like Hero House's drive-thru, it would be marked "no food orders taken" on signage. Mr. Ickes further noted that his employees would be instructed not to take food orders.

Mrs. Christopher-Finn questioned pedestrian traffic safety concerns. Mr. Ickes stated there were not many people who walked along the sidewalk. Mrs. Christopher-Finn noted she was speaking of traffic that would exist on the south side of the building by people who would be wanting to use the lobby and having to cross into the drive-thru area. Mr. Lowry stated currently, people had to walk across traffic within the site. Mr. Ickes noted he had given thought to marking the parking spaces behind the building as "employee parking" to help minimize pedestrian traffic.

Mrs. Kobilarcsik questioned the required number of parking spaces for the business. Mr. Dutton stated he did not calculate parking since the number of existing spaces would be unchanged.

Ron Rehm moved, Wanda Christopher-Finn seconded, to grant the request of Dari-Land for conditional use approval to establish a drive-thru facility at 306 West Liberty

Street in a C-4 (Central Business) District, contingent upon the applicant restriping 8 parking spaces on the south side of the building from 90° parking to angled parking.

Motion carried by a 6-0 vote.

#### IV. DEVELOPMENT PLAN

**SP-552. Rodney Ickes of Dari-Land** is requesting Final Development Plan approval for site alterations at 306 West Liberty Street in a C-4 (Central Business) District.

Gil Ning moved, Ron Rehm seconded, to grant the request of Dari-Land for final development plan approval for site alterations at 306 West Liberty Street in a C-4 (Central Business) District, contingent upon the 8 parking spaces on the south side of the site being restriped from 90° parking to angled parking to facilitate vehicle access and one way traffic circulation.

Motion carried by a 6-0 vote.

#### V. MISCELLANEOUS

John Campbell requesting Planning Commission approval in order to construct a fence less than six feet in height around a proposed pool at 719 Woodmere Drive in an R-1 (Suburban Single-Family) District.

John Campbell, 719 Woodmere Drive, stated he was requesting relief from the height restriction on fencing around pools. Mr. Campbell stated he was installing a pool in his existing courtyard and would be adding an automatic safety cover on the pool as well. Mr. Campbell noted that the cover would close in 45 seconds and would be such that, when closed, you could walk across the top of it. Mr. Campbell stated because he lived in a wooded area, the pool cover would be used whenever the pool was not in use so that leaves/debris would not get into the pool.

Mr. Rehm questioned the reason the request was before the Commission. Mr. Dutton stated the Zoning Code required that pools had a 6' high fence or wall around them, but the Code also allowed the Planning Commission to make an exception to that rule if it found that other measures addressed the issue of safety. Mr. Dutton further noted that there were no Building Code regulations relating to pools. Mr. Campbell noted that much was regulated by insurance companies as well.

Ms. Middleton questioned the cover. Mr. Campbell stated the cover was built right into the patio and there would be a key which would be turned to open/shut the

cover. Mr. Campbell stated it would hold up to 1,500 lbs. of torque and, he felt, would be safer than a fence. Mr. Campbell stated he did not want to erect a fence as he felt it would ruin the aesthetics of his courtyard.

Wanda Christopher-Finn moved, Jackie Middleton seconded, to approve the request of John Campbell in order to construct a fence less than six feet in height around a proposed pool at 719 Woodmere Drive in an R-1 (Suburban Single-Family) District, subject to a pool cover being installed as proposed.

Motion carried by a 6-0 vote.

Meeting adjourned at 5:50 p.m.

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**Kevin Lowry, Chairman**

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**Laurie Hart, Administrative Assistant**