

FAIRMONT PLANNING COMMISSION

The regular meeting of the Fairmont Planning Commission was held on April 18, 2018 at 7:00 p.m. in the Public Safety Building located at 500 Quincy Street.

President Straight called the meeting to order at 7:00 p.m. and asked for a roll call of members.

ROLL CALL OF MEMBERS

MEMBERS PRESENT

Commissioner Yann
Commissioner Blickenstaff
Commissioner Majic
Commissioner Greene
Commissioner Parker
Commissioner Richardson
President Straight

MEMBERS ABSENT

Commissioner Carpenter

CITY STAFF

City Planner – Sandra Scaffidi
Senior Staff Assistant - Maria Cipolla

PLEDGE OF ALLEGIANCE

Commissioner Richardson led the Commissioners in the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Parker motioned to approve the minutes from March 21, 2018 and April 11, 2018.

Commissioner Yann seconded the motion.

Motion carried 7-0

PUBLIC HEARING FOR APRIL 18, 2018

1. Kenny Cook is requesting a rezone of Tax Map 5-5 Parcel 324.3 along East Park Avenue from Neighborhood Mixed Use to Main Corridor Commercial.

President Straight: Is there anyone to speak in favor of this request?

Kenny Cook: We are looking to rezone the lot just above the small gas station on East Park Avenue so that we can build a two-bay automatic car wash. We currently own two automatic car washes. They are very successful and we would like to put another one there, if possible. If there are any questions, I would be more than happy to answer any you may have.

President Straight: Is there anybody else to speak in favor?

There were none.

President Straight: Is there anybody to speak against this request?

Donna Taralla Riblett: I live on the 400 block of East Park Avenue. I don't believe a carwash is a good idea. It is probably going to be unattended with bright light and people there at all hours of the night. I believe a carwash is something the neighborhood doesn't need when there is one on the Eastside [of town]. It is almost like asking for another meth dealer to come into the neighborhood. We don't need one. It is bad enough I have to constantly pick up garbage. I find pill bottles or strips lying outside. People go by and just toss it out of their cars. The wind barely blows and the garbage ends up in front of our house. Then when I walk my dog, I have to take a bag with me just to pick up garbage. I think the crime in the neighborhood would get worse. We have had cars broken into. On April 1st, I had two people try to get into my house. I caught them on camera. They put something over their face and tried to get into my back door. I think little things like this are not needed for the neighborhood. I don't think it is going to benefit anybody. I think there are a lot of other places for a car wash just not there.

James Stewart: I don't like the idea of a car wash being there. Like the lady before me said, the lights and the traffic all time and people using the car wash at 1:00 am in the morning to clean their car would be a bad idea for the neighborhood. It would probably cause more problems than it would help. I just think it is a bad idea.

Rose Lambert: I live on East Park Avenue. My bedroom faces the street. Before the owner put up the tape, there were people coming around all hours of the night, parking their cars, throwing their trash all around and playing loud music. Then my little dog starts barking keeping me and my three year old grandson up all night. If they put the car wash there, it will start all over again with people parking there with their loud music and drinking. I am definitely against it.

Pam Stewart: I live on East Park Avenue. I don't know the guy [Kenny Cook], so this is nothing bad against him. You have to look at this from our point of view. We did have people at all hours of the night. In two and a half months, my daughter's car has been broken into and hit; my mother's car was hit and my husband's car has been broken into. We have even had things taken off of our porch. We have had people try to get in our home. If we add a car wash, then there are going to be more issues. I just think this will be a bad idea. Like my Mom said, her bedroom is on the front of the house. When her dog barks, everybody in the house is up. It makes it hard to go to work when you are tired. I don't think we should be up all hours of the night checking to see if our vehicles are being broken into and picking up trash. I'm sure they don't want to come to our house to pick up our trash. I don't think it is a good idea.

Tyler Dick: I live on East Park Avenue. I have lived here since January 13, 2006. The first night I stayed, you all are correct; the garbage truck came up around 3:30 – 4:00 am in the morning. I jumped out of my bed, down the stairs, and out the front door I went with a gun, because I thought I was being broken into. Some of you know me; some of you may like me; that is fine. You stand right outside my house, the train is dumping. I have it on camera. People are always throwing out trash out. We had a neighbor two doors up, get busted for drugs six or seven weeks ago. I pick up trash every day. I have a neighbor blowing paint into the yard. My bedroom is on the front of the house. It is loud; very noisy from traffic, ambulance, fire trucks, and police sirens. I'm not bad mouthing them, but they are there. The lights across the river shine clear across the river. If the car wash is put in, they will have lights. There will be trash cans there. They empty them daily. If anything, you are going to have traffic, but you won't have more lights. It is going to make our town a much better place because of the lighting. You are not going to have half the noise because of the building being there. It is not that noisy. Drive-thru the one in Nutterfort or Shinnston. They are quiet. We do have two car washes in Fairmont; one by the Shell station and the other one is on the other side of town. The others are doing-it-yourself car washes. Look at the garbage that is there. Their [Kenny Cook's] car wash bays are cleaned out daily. There is no water run-off. If there is a mess, we fix it. I am for this request. Yes, you may be upset because you can't walk your dogs across the road any more. I have to clean up my dog mess at my house, I understand. I'm not here to make friends. I not here to bad mouth anybody, but we have a lot of problems. Somebody is trying to succeed at life and make our side of town a little bit better. I feel it should be done. They will have cameras and it will be monitored 24 hours a day, 7 days a week. Thank you.

President Straight: Anybody else to speak against?

There were none.

President Straight: At this time I need a motion to close the public hearing.

Commissioner Greene motioned to close the public hearing.

Commissioner Richardson seconded the motion.

Motion carried 7-0

President Straight asked for the staff report from the **City Planner, Sandra Scaffidi.**

Sandra Scaffidi: The applicants are requesting to rezone the subject area from Neighborhood Mixed Use to Main Corridor Commercial to allow the development of a car wash on the site. An automobile service station is a conditional use in the Main Corridor Commercial Zoning District. If successful, the applicant would still need to go before the Board of Zoning Appeals. Currently, the Neighborhood Mixed Use Zoning District allows for commercial, office, retail or service use spaces which are not allowed to exceed 2,500 square feet. Also, there is Uses Permitted with Conditions includes existing commercial, office, retail or service use exceeding 2,500 but they have to meet all of the requirements in Section 4.16 of the Planning and Zoning Code. There are Conditional Uses which is new commercial, office, retail or service use, not exceeding 5,000 square feet. Automotive service uses are not allowed in this zoning district. This is why the applicant is requesting a rezoning. The property consists of one parcel which has roughly 50 feet of flat land before it

slides down into a wooded hillside. The geography is generally flat and the property is wooded toward the river. The property abuts an undeveloped parcel owned by the Marion County Parks and Recreation Commission. The subject property is 1.48 acres in size. According to the 1947 Sanborn Map, the subject property was vacant and contained a portion of the Monongahela Railway lines. An adjacent property contains a gas station; however, it is a non-conforming use. Automotive service and filling stations are not allowed in this zoning district. A key component of the Land Use section of the 2005 Comprehensive Plan is to encourage small scale low density commercial uses to serve neighborhoods within walking distance. The future land use map of the 2005 Comprehensive Plan shows that the subject area is in a residential/commercial area as opposed to a strictly commercial area. The 2005 Comprehensive Plan had an economic development goal which desired to create an environment within the City of Fairmont that is conducive to growing a strong and diverse economy. In that same vein, the action is to adopt policies that will reduce the negative impact of commercial and industrial uses near residences. The existing City of Fairmont Planning and Zoning Code recognizes the ability for small scale development within this walkable neighborhood and therefore zoned the parcel as Neighborhood Mixed Use. This is compatible with our Comprehensive Plan as it supports small scale development that caters to residential needs. Before the Planning Commission can make a recommendation to the City Council, the commission must find that the following statements are true:

1. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted; and
2. That those changes have substantially altered the basic characteristics of the area

In my opinion, the character remains primarily a single-family residential housing. The effect of the proposed amendment on the property fulfills the applicants' intent to create some development on the parcel. However, it is only to serve the proposed use of an automobile service. I don't believe any substantial changes have been made that have altered the basic characteristic of the area. I don't see any substantial changes to the area since the Comprehensive Plan was adopted that would qualify the applicant's property to be rezoned. I also do not see that the area's character has been substantially altered. I see no new commercial structures have been introduced to the area. I recommend denying the application for the proposed rezoning and instead retain the existing zoning of Neighborhood Mixed Use. Should the desired use of the property change, the applicant can revisit his request through the Planning Commission. When the City revises the Comprehensive Plan, the Commission can address changes in zoning for this property; if it is determined it is necessary, at that time.

President Straight: Is there any questions or discussions on this matter from the Commissioners? If none, I need a motion regarding this request.

Commissioner Greene: I make a motion we deny the request for a rezone.

Commissioner Richardson seconded the motion.

Commissioner Yann abstained from voting.

Commissioner Blickenstaff voted No.

Motion carried 5-1

Kenny Cook: am I not allowed to speak again?

President: No, I sorry.

Kenny Cook: You people have got to be kidding me.

President Straight: You [Kenny Cook] are out of order.

Kenny Cook: This town will never grow. That Comprehensive Plan is from 2005; thirteen years ago. I don't care if I am out of order. This town will never grow. That car wars would generate you [the City] \$3,500 to \$4,000 a month in water bills; let alone the B&O tax you would generate. All I ever heard from you people is parks and recreation, sidewalks, and green space. You will never have it until you generate income. The lawn is virtually useless. You can't do single-family homes there. It is fifty feet deep. You guys have a very close-minded mentality. That is why this town is where it is at. You [the City] will never grow and you deserve it.

2. William Russell is requesting a rezone of Tax Map 3-13 Parcel 4 located at 1418 Locust Avenue from Neighborhood Mixed Use to Main Corridor Commercial.

President Straight: Is there anybody to speak in favor of this request?

William Russell: I own the property. I am in favor of the rezone, because I think it would help me resell the property. That is the main reason I want it rezoned. I got in over my head and I just want to resell the property.

President Straight: Is there anyone else to speak for this request?

There were none

President Straight: Is there anyone to speak against this request?

Bruce McDaniel: I have looked at the zoning code. The property is currently zoned Neighborhood Mixed Use and the uses. I have looked at the Main Corridor Commercial Code and the uses. There is very little difference, to be honest with you. I was prepared to ask what use was being proposed for this property, but apparently there is no specific use other than to help an individual sell the property. In my opinion, this is not a reason to change the characteristic of a predominant neighborhood that is residential. There are several problems with that particular intersection; the intersection of McLane and Locust Avenue. If you are coming out onto Locust Avenue and trying to make a left, when you look right and try to make a left, traffic is coming up the hill. If you put a higher commercial use in there, you are going to have some traffic problems. Also, I would assume, if a commercial business goes in there, the entrance would have to be off of Locust Avenue. It can't be off of McLane, because McLane is a narrow street that has parking on the opposite side of the street. In fact, the parking on the opposite side of the street impedes traffic turning onto McLane many times. It is already Neighborhood Mixed Use. That allows for some limited commercial/business use that blends in with the neighborhood. I personally see no real reason to up the zoning to something that is more intrusive and could change the characteristic of a very nice neighborhood. Thank you.

Mark Jurick: My wife and I have lived off of McClane Drive for years. Our lawn is adjacent to the property. We believe that this rezoning will not be in the best interest of the residents of our neighborhood. We are against the rezoning to Main Corridor Commercial for several reasons. First of all, as homeowners and residents, we believe to rezoning will have a negative impact characteristic and quality of our neighborhood. There is ample Main Corridor Commercial property north and south of this property on Locust Avenue that is currently not utilized or underdeveloped that could be put into commercial use; for example, the former Larry Myers Subaru dealership, Westchester Village, 1708 Locust Avenue has office space, and other smaller parcels. The corner of McLane Drive and Locust Avenue is already a dangerous area. Increased traffic flow will only lead to a high-risk and undesirable traffic pattern in the area. Finally, the proposed rezoning would interrupt the current continuous area of Neighborhood Mixed Use property. We believe setting a precedent of allowing additional rezoning in our area would lead to the disappearance of our neighborhood as we know it. We ask you to deny this request for rezoning. It seems very unreasonable to destroy a neighborhood and affecting many families that currently live there in the interest of satisfying one person's investment goal. We hope you make the right decision for the majority of the people who live there.

Sandra Rosenberger: As longtime residents of Williams Road, we are very much against the rezoning of the property known as the Sidow property. This beautiful property has been a show place of Fairmont for years. Its surrounding grounds are in a residential area. As the entrance to this property is next to McLane Drive, we question the impact that a rezoning will have on the surrounding neighbors. We believe this rezoning would destroy properties that surround it and all the hard work that the homeowners put into their property. We want to preserve the integrity of the area to what it was and is when we bought our property. We believe property values will be reduced by the rezoning of just this one property.

Mark Phillips: There are ample properties that can be developed. This should not be rezoned because Mr. Russell got in over his head. If this gets rezoned, it is anybody's guess what goes in there. I understand there are restrictions and limitations within the code. However, that does not always prevent certain people entertaining certain ideas. I am asking this council to not approve the change in zoning of this property. There are more people that will suffer a loss than one person's gain by this rezoning.

John Lympany: I live adjacent to this property. It is a very nice residential section of Fairmont. This particular property has residential homes all around it. My concern is the affect it will have on the community and property values. I am in favor of keeping it the way it is now. I am very concerned about the traffic. My driveway is on Locust and close to this property. I have to be very careful when I am coming off that hill and turning into my driveway. People cannot see you very well from this property either. If you have more traffic coming through, the risk of accidents increases.

Leeann Pelligrin: I am not going to get into all the reason why this should not be rezoned; I just want to paint you a little picture of our neighborhood. We have lived in our house for 20 years and many of the people here have been there much longer. On our street we have one house that is a rental property. This is not your typical neighborhood that has various rental properties with people moving in and out. We are more than just a neighborhood; we are a community of families. I don't want to see that disturbed.

Christine White: I am opposed to this rezoning. I have lived in this neighborhood nearly my entire life. I grew up in this neighborhood. When I went to purchase a home, I choose this area specifically because it is residential. I felt assured that there would not be something undesirable being building in that neighborhood. I am a daily walker. These roads are very narrow. People do use this neighborhood as a short cut to get to the high school. When a car does come through, I am often pushed completely off the road into somebody's yard. I feel that by rezoning that area, it is only going to make that situation much worse. I think it will be a safety hazard by increasing traffic pulling out onto Locust Avenue. It has very limited visibility in both directions. It is residential; all of us want to see it stay residential.

Jean Phillips: We have lived on Peacock Lane for about 40 years. It is very hard to get onto Locust Avenue from McLane Drive because of the hill. People travel much too fast coming up that hill in both directions. You have to come almost past McLane to turn in because cars are parked against the one house on the left and there is huge bush there that blocks your vision. When cars are coming down McLane, you can't see them either when you try to turn left. The roads are very narrow. With more traffic and careless, reckless drivers in a hurry you are going to put young children at risk that get off the school bus at McLane Drive.

Janet Salvati: I live on Overbrook Avenue. Our house is directly across the street from the Sidow property. It would be a disaster to have that property turned into a commercial property. I will speak for the deer alone (laughter). I often see many deer in the area. How often can you say in a city that you have a habitat for wildlife? There is no commercial in that area; it is all well-maintained residential area. I am definitely in favor of keeping it the way it is.

Carolyn Richardson: I live on Carolyn Drive. My problem with the situation is we can't even get a garbage truck to come up our street. It is so narrow at the end with the telephone poles. We had to have to City come in and paint yellow lines because people will park too close to the end of the road and you can't turn in or out of the street. I just can't image putting in a commercial property in that type of neighborhood. There are other areas more suitable. I can't understand why a business would even want to come in there. We would like to preserve our neighborhood. It is friendly. We have been there for forty years. We are there because we love it there.

Carol Coplin: We feel that the property value will decrease quite a bit if they put something commercial on that property.

President Straight: Maria [Cipolla] do you have letters from residents in opposition?

Maria Cipolla: I had a total of five letters sent to me prior to the meeting tonight, but two of them have spoken here tonight. I still have three other letters in opposition. The letters are from Vickie Holmes, at 1412 Locust Avenue; Gary & Stephanie Southern, at 1429 Peacock Lane; and Kris & Sandy Ravis, at 1200 McLane Drive are all opposed to the rezoning of this property. All five letters will be kept on file.

President Straight: Is there anybody else to speak against this request?

There were none

President Straight: Do I have a motion to close the public hearing?

Commissioner Yann motioned to close the public hearing.

Commissioner Parker seconded the motion.

Motion carried 7-0

President Straight asked for the staff report.

Sandra Scaffidi: The applicant is requesting to rezone the subject area from Neighborhood Mixed Use and General Residential to Main Corridor Commercial to allow him to sell the property to a large commercial company for development. The property does straddle two different zoning districts. A rezoning would change the whole parcel to Main Corridor Commercial. Currently, the Neighborhood Mixed Use Zoning District allows Use By Right: commercial, office, retail or service use spaces which are not allowed to exceed 2,500 square feet as a Use Permitted by Right; existing commercial, office, retail or service use exceeding 2,500 must meet all of the requirements in Section 4.16 of the Planning and Zoning Code; and Conditional Uses includes new commercial, office, retail or service use, not exceeding 5,000 square feet. Currently, the General Residential Zoning District allows Use By Right: single family residence, group residential facility, group residential home; Use Permitted with Conditions are essential service, home occupation, minor; garage sales and portable storage containers; and Conditional Uses are churches, other places of worship, a cemetery, recreational facilities, or a school. The property currently consists of one large dwelling and a two stall garage. The geography is generally flat and the property is wooded toward the intersection with McLane Drive and Peacock Lane. The property is 4.42 acres in size. According to submitted documents and online real estate listings, the property sold in July 2017 for \$260,000. The existing zoning was in place at the time of the current owner's purchase. The current owner expressed his desire to resell the property to a large retail company such as Walgreens or a Dollar Store. A key component of the Housing section of the 2005 Comprehensive Plan is to encourage safe, attractive and affordable housing and strengthen residential neighborhoods. A second component of the Land Use section of the Comprehensive Plan is to encourage small scale low density commercial uses to serve neighborhoods within walking distance. The future land use map of 2005 shows the area is a mix of residential and commercial components as opposed to the other strictly commercial areas in adjacent areas. This area is just outside the proposed "University District" which focuses on the connection between the Fairmont State University Campus and the residential and commercial neighborhood surrounding Locust Avenue. The City of Fairmont is working in conjunction with the University to strengthen this neighborhood and capitalize on the walkability of the region. The existing City of Fairmont Planning and Zoning Code recognizes the ability for small scale development within this walkable neighborhood and therefore zoned the front portion of this parcel as Neighborhood Mixed Use. The rear of the lot was zoned General Residential in keeping with the residential neighborhoods on Peacock Lane and McLane Drive. This is compatible with our Comprehensive Plan as it supports small scale development that caters to residential needs.

Before the Planning Commission can make a recommendation to the City Council, the commission must find that the following statements are true:

1. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted; and
2. That those changes have substantially altered the basic characteristics of the area

According to the Planning and Zoning Code the Planning Commission shall make a recommendation and present its findings and report to the City Council on requests for rezoning. The Planning Commission shall at a minimum determine that the following criteria have been met in order to approve a rezoning request. In order to assist the Planning Commission with their analysis I have added my opinion [to each criteria below].

- a) The need and justification for the proposed amendment (the area's character has not effectively changed. The character remains with primarily single family residential housing);
- b) The effect of the proposed amendment on the property, the surrounding property and the City as a whole (The neighborhood mixed use zoning district currently fulfills the applicants intent to create some development on the parcel. The section of the property that is zoned General Residential will be severely impacted by the proposed rezoning. The establishment of a rezone to Main Corridor Commercial is not necessary);
- c) Whether those changes have substantially altered the basic characteristics of the area (no changes have substantially altered the basic characteristics of the area);
- d) Whether there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted (There have been no substantial changes to the area since the Comprehensive Plan was adopted that would qualify the applicant's property to be rezoned).
- e) Whether those changes have substantially altered the basic characteristics of the area (The area's character has not been substantially altered. No new commercial structures have been introduced to the area. The closest

commercial structure is the former Larry Myers Subaru Building which was constructed in 1970. While comparable in size (acreage), the property remains vacant and undeveloped.)

- f) Whether the proposed amendment should be adopted; and
- g) Whether all notice requirements have been met (All notice requirements have been met).

Staff recommends denying the application for the proposed rezoning and instead retaining the existing zoning of Neighborhood Mixed Use/General Residential. Should the desired use of the property change, the applicant can revisit his request through the Planning Commission. When the City revises the Comprehensive Plan, the Commission can address changes in zoning for this property; if it is determined necessary, at that time.

President Straight: Is there any discussion or questions on this matter from any of the Commissioners? If none, I need a motion on this request, please.

Commission Parker motioned to deny the application.

Commissioner Yann seconded the motion.

Motion carried 7-0

3. The purpose of the public hearing is to hear, review and consider the final draft of the City of Fairmont's Comprehensive Plan update.

President Straight stated the Comprehensive Plan has been available to the public at the Public Library, on the City's website, and physically in the City Building. President Straight opened the public hearing to public comments. There were no written comments submitted to the City prior to this meeting on the proposed Comprehensive Plan.

President Straight asked if anyone was here to speak publically on the proposed Comprehensive Plan.

Nobody approached the podium.

President Straight closed the public.

Commissioner Greene: It is a shamed that we lost everyone in attendance here tonight once we got to this document that all of our discussions are based upon. Everything we do in the City with regard to planning and zoning is based on the Comprehensive Plan that we have been working on for the last two years. It won't likely be updated again until the year 2028. It is an important document.

Commissioner Richardson: Can we make amendments to the Comprehensive Plan to adjust it after we pass it?

President Straight: Yes. Do we have a motion to pass the Comprehensive Plan update?

Commissioner Greene motioned to approve the update to the Comprehensive Plan.

Commissioner Blickenstaff seconded the motion.

Motion carried 7-0

Sandra Scaffidi: We will present this to City Council on May 9th and then at least 30 days from that day, we will have the first public hearing with City Council and then 30 days after that, there will be a second public hearing to above it with an ordinance.

PUBLIC HEARING TO SET FOR MAY 16, 2018

None

PUBLIC HEARING TO SET FOR JUNE 20, 2018

1. Michael Properties Group LLC is requesting a rezone of the property located at 814 ½ Ridgely Avenue from Neighborhood Residential to Main Corridor Commercial.

President Straight: Do I have a motion to set this public hearing?

Commissioner Greene motioned to set the public hearing.

Commissioner Yann seconded the motion.

Motion carried 7-0

NEW BUSINESS

Angel Frog, LLC requests a review of the City Planner's decision regarding the denial of an application for a minor subdivision at 917 Chamberlain Avenue.

President Straight asked the **City Planner, Sandra Scaffidi** for her staff report.

Sandra Scaffidi: The applicant is requesting a review of the Planner's opinion to deny a minor subdivision. The property, described as Tax Map/Parcel 3-6-108, contains a metal pole building that appears to be a storage facility/garage. The building extends across the lot line to the adjacent property to the southwest which is identified as Tax Map/Parcel 3-6-110. The owners of the property, Angel Frog, wish to sell parcel 108 as well as a small piece of parcel 110 to allow the building to be situated on an independent parcel. The proposed subdivision/consolidation site is located in a Neighborhood Mixed Use zoning district. From an external visual inspection of the site, it appears that the building was constructed for the purposes of an accessory structure to be utilized for storage. A storage facility is not a permitted use within this zoning district. I denied a minor subdivision application due to the following reasons:

1. Section 7.5.6.A.1- No new lot shall contain less than 6,000 square feet.
2. Section 5.10.1- Only one principal building and its customary accessory building shall be located on any lot...
3. Section 8.3.5.4- No non-conforming accessory use or accessory structure shall continue after the principal use or structure shall continue after the principal use or structure is terminated by abandonment, damage, or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located. No non-conforming accessory use or structure shall become or replace any terminated principal non-conforming use or structure. For these reason I denied the request. The Planning Commission must review the application and determine if the City Planner was correct in my opinion.

President Straight: If you are here to speak either for or against, please come up and state your name and address for the record.

John Funkhouser: I am the attorney representing Angel Frog, LLC. Does everyone have a copy of the proposed plat from the surveyor (they did have a copy)? I think where this process got lost in translation is I don't think we needed to ask for subdivision of the property. What we are asking for all of you to permit the boundary line to be adjusted to allow for the overlap of the building. The parcel in question is approximately 3,000 square feet which obviously is under the 6,000 square foot requirement. It has been there since 1977. So, all we are asking for is for that line to be moved to accommodate the building. The building was erected in 1998. I don't have knowledge to whether or not a permit was issued at that point. It was not by Angel Frog, LLC. They did not erect the building. It was actually their predecessors. The building has been there since 1998 and the lot has been there since 1977. We are simply asking that the lot line be shifted so that the building is contained on its parcel. Thank you.

President Straight closed the meeting to the public.

President Straight asked for any Commissioner Comments.

The Commissioners and the City Planner had a lengthy discussion on City Planner's decision, what the difference is between a subdivision and lot line adjustment, and the options the current property owner, Angel Frog, LLC has in order to sell the smaller lot to a separate owner.

President Straight allowed **Rita Smouse** to come to the podium to inform the Commissioners about the proposed future use of the structure on the smaller lot.

Rita Smouse: I am the realtor representing Angel Frog, LLC. I listed the property for sale and have a buyer. The buyer will be using it for storing office items. He is a businessman, David Floyd. Most of you probably know him from Floyd Real estate. He has that when he moves in there, he may put an office in. That would make it a primary building, because an office would consist of an office space and restroom area. He is not certain that is what he would do, but he has thoughts of possibly doing that in the future. That is basically what I know about it.

President Straight: Asked for a decision as whether or not the **City Planner, Sandra Scaffidi** was correct in her decision to deny this application.

Commissioner Blickenstaff motioned to ask the City Planner revisit their application as a minor boundary adjustment.
Commissioner Greene seconded the motion.

Motion carried 7-0

CITIZENS PETITION (For items not listed on the agenda)

Citizens must register in advance with the recording secretary.

None

OTHER BUSINESS

Commissioners Comment:

Commissioner Parker: I enjoyed the workshop last week with Jesse Richardson last week. I learned several things. I enjoy those types of educational sessions. It was worthwhile. I would be happy to attend another on slightly different topics. I appreciate that he took his time to do that for us.

President Straight: The BZA is going to have Jesse Richardson speak to them on different topics. We are welcome to go to that.

Maria Cipolla: Mr. Richardson will speak on variances, conditional uses, non-conforming uses, and things that obtain to the BZA; but I am sure he would answer any questions you may have. It will be at 5:30 pm on May 3rd. We will be serving a little something to eat as well. All of you are welcome to come. I will send you an email to remind you of the BZA workshop.

Commissioner Richardson: I agree with **Commissioner Parker**. Tonight was a challenging night. I enjoyed it.

Staff Updates:

Sandra Scaffidi: Thank you to everyone. I appreciate the tough questions and critical thinking. It makes us a stronger Commission.

ADJOURNMENT

President Straight asked for a motion to adjourn.

Commissioner Greene motioned to adjourn.

Commissioners Yann seconded the motion.

Motion carried 7-0