

October 5, 2009

Chairperson Carter called the regular meeting of the Fort Calhoun Planning Commission to order at 7:00 P.M. Monday, October 5, 2009. Notice of the meeting was given in advance thereof by publication or posting, said forms of notice being designated methods for giving notice, an affidavit of publication or a certification of posting being attached to these minutes.

The agenda packets were distributed to the Chair and Board Members on October 2, 2009. Meetings are open to the public. Chairperson Carter announced a copy of the open meetings law is posted continually for public inspection on the wall in the Council Chambers/Library.

Chairperson Carter introduced Sam Ruma as a new Planning Commission Member, and welcomed him to the committee.

The following answered roll: Ralph Carter, Eric Herbert, Rich Johnson, and Sam Ruma. Carmine Pane was absent.

Planning Consultant Chris Solberg, AICP, with TSA was present.

Member Johnson made a motion seconded by Member Herbert to approve the September 8, 2009 minutes as published. With members, Herbert, Johnson, Carter, and Ruma voting "Aye", Pane absent, motion carried.

**Public Hearings: None**

**Committee Reports:**

- Capital Improvement Committee: Nothing to report.
- Housing and Code: Nothing to report.
- Downtown Design Standards: Nothing to report.
- Land Use Committee: Nothing to report.

**Unfinished Business:** Member Carter made a motion seconded by Member Johnson to move onto New Business in order to benefit the public.

**New Business:**

1. Curt Shull (513 S. 17th St) accompanied by Mitch and Matt McGowan (Developer/Contractor), and Cecil Scott, came to discuss the pre-application for an Administrative Lot Consolidation replat of LOTS 2 and 23, BLK 4, Southern Heights Subdivision. The McGowan's questioned why Mr. Shull needed to pay to have another survey to consolidate his lots. Being new to Fort Calhoun, Mr. Shull was unaware that a building permit was required before he placed a storage shed on his lot, until he received notice from City Hall that people were questioning a shed had been put on a lot the Southern Heights. Having no record of a permit for the address in question, a letter was sent to Mr. Shull, notifying him that a permit is required for a shed. He complied immediately and applied for a building permit. After reviewing the permit and plot plan provided by Mr. Shull, Chairperson Carter denied the permit because regulations require a primary structure on a lot before any other structure can be placed on it. His recommendations to the Shulls were to move the shed back to the lot with the primary structure, staying within the required setbacks, and if they were unable to do that, the other options were, consolidate the lots, or remove the shed. Their decision was to contact a survey engineer, and get a replat of both lots, so they could keep the shed where they wanted it. After review of the regulations and consulting with Planning Consultant Chris Solberg, Chairperson Carter stated to Mr. Shull; that if the committee were to

allow this consolidation, it would result in an inefficient use of the land involved and break up the development of the subdivision, and go against Fort Calhoun's Comprehensive Plan. Following this statement, several derogatory comments from the public were made questioning the capability of the commission, and who makes the decisions in this town.

After a very lengthy and several times disruptive discussion by the public, Mr. Shull asked Chairperson Carter why this wasn't discussed with him before he spent the money on this survey if it goes against the Comprehensive Plan, which he was also unaware of and requested a copy of. Chairperson Carter stated, that he didn't say anything about getting another survey, because another survey isn't required for a lot consolidation. Joy Ruma and Member Herbert clarified to Chairperson Carter, Mr. Shull, and the public in attendance, that the procedures in the Administrative Subdivision Regulations require a "replat", for a lot consolidation, which is what the Shull's received and provided. Mr. Shull stated again, that he was very frustrated with the way this whole situation was mishandled, and the way the meeting was mishandled. Chairperson Carter told Mr. Shull he could still pursue the lot consolidation with the City Council, and see if they would approve it.

2. Sandy and Dane Kucera owners of Too Far North and the 14<sup>th</sup> Street Ice Cream & Gill came to discuss their plans if they take ownership of the building at 106 S. 14<sup>th</sup> Street. Before Dane Kucera began the discussion, Chairperson Carter declared ex-parte; noting that Sandy Kucera had contacted him earlier to discuss building regulations, and explain what their requirements were in order to make this business work. Mr. Kucera stated to the commission that their plans for the store are to make it multi-functional as an antique store and apartment. The front of the building would be the store, and the back of the building would be a residence for his parents. The basement will be used as storage space, as Dane explained to the committee; his parents are not able to climb stairs at all anymore, so they would need to update the main floor and make it ADA compliant. Chairperson Carter stated that this was actually the second request the commission has received, and the current TC Use Regulations only allow second floor living, it is time to review our regulations and make the necessary revisions. Mr. Kucera made a final request that the Planning Commission make the necessary revisions to the regulations now to allow their dream of bringing retail business back to Fort Calhoun, which will also bring more business for our current businesses and eating establishments in town. Chairperson Carter recommended to Mr. Kucera that he get in contact with the State Fire Marshall and Washington County Building Inspector, Kris Robinson, once they take ownership and apply for a permit, they must comply with all of the ADA regulations, and building codes.

**Continued Unfinished Business:**

1. Member Herbert made a motion seconded by Member Ruma to table the Downtown Design Guidelines document after Chairperson Carter discussed with the committee, several grammatical errors and clarification of a couple of definitions before final approval of the document. With members Johnson, Carter, Ruma, and Herbert voting "Aye", Pane absent, motion carried.
2. Planning Consultant Chris Solberg reviewed with the commission the correction depicting the city limits correctly on the Fort Calhoun Comprehensive Plan Maps. Member Herbert made a motion seconded by Member Johnson for recommendation of approval to City Council. With members Carter, Ruma, Herbert, and Johnson voting "Aye", Pane absent, motion carried.

Chairperson Carter noted the following permits issued September 1, 2009 through September 30, 2009:

- **Building:**
  - Clayton Swanson (124 N. 9<sup>th</sup> St.) house demolition.

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- Maryanne Jaworski (221 S. 13<sup>th</sup> St.) installed a prebuilt 8x12x9 shed.
- Nancy Coleman (506 N. 14<sup>th</sup> St.) Dan Mittitts Contracting installing 2800' siding.
- Frances Sheppard (620 S. 14<sup>th</sup> St.) Robert Sheppard repairing partial roof.
- **Electrical/Plumbing:**
  - Green Gable Contracting, LLC. (108 S. 14<sup>th</sup> St.) install electric in building.
- **Fence:** NONE
- **Sign:** NONE

No additions, updates, or completions to the current unkempt properties list from September 1, 2009 to September 30, 2009. Joy Ruma discussed with the commission direction received from City Council on properties logged as completed, will not be approved until an inspection of the property is completed and documented by Steve Becker. A new inspection form "Unkempt Property Final Inspection", will be created and submitted to the Housing and Code Committee and City Council for approval before submission to Steve Becker for inspection of properties.

**Public Comments:** None

**Future Agenda Requests:** None

**Adjourn:** Member Herbert made a motion seconded by Member Johnson to adjourn, with all members voting "Aye", Member Pane absent, the meeting adjourned at 9:30 P.M.