

## **MINUTES OF THE PLANNING COMMISSION MEETING HELD ON OCTOBER 12, 2021**

The meeting was called to order by Chairman Nathan Rau at 7:30 PM.

Roll call was taken: **Present: Hicks, Pittman, Gaitsch, Voelker, Lutz and Rau.**

Chairman Rau asked if there were any additions or corrections to the minutes of the August 09, 2021 meeting. A motion was made by Gaitsch and seconded by Lutz to approve the minutes of the August 09, 2021 meeting as presented. Motion carried.

The Chairman asked if there were any petitions by citizens on non-agenda items. There were none.

The Chairman also asked if there were any corrections or deletions to the agenda. There were none.

### **OLD BUSINESS:**

The Chairman asked if there was any old business. There was none.

### **PETITIONS:**

**Z-21-10-01 Review and Comment on a Petition by Adrian and Leisa Martinez to consider a Special Use Permit to allow for the operation of a Recovery Residence at 228 Mueller Lane. (Parcel No. 07-25-101-025-000 and 07-25-101-026-000, and 07-25-101-016-000).**

Chairman Rau began with a few clarifications about tonight's process. He stated any individuals wishing to address the Commission should keep their comments to 2 (two) minutes and give feedback only in regards to the Special Use Permit. He also described the new procedures in the decision process of a petitioner's request. Chairman Rau verified there have been no changes to the petition or conditions in granting the special use permit, however, Mr. and Mrs. Martinez did state they had would be asking for deferments on some of the requirements.

City Attorney Dan Hayes mentioned that all documents and public comments from previous meetings in regards to this Special Use permit will be part of the record for the current Special Use request.

Mr. Jim Duckwitz stated that he neither opposes nor favors the recovery residence, but he did want to know why the Planning Commission and Board of Appeals meeting minutes were not updated on the City website, and why the advisory report was so minimal in information. The Chairman informed Mr. Duckwitz that a new and more comprehensive advisory report has been developed and will be used starting with this meeting. The Zoning Administrator added that he is working to update the meeting minutes on the website.

Ms. Leisa Martinez addressed the Planning Commission stating that their proposed views as a Recovery Center have not changed, all the details of the center (daily operations, staffing, etc....) remain the same, however, she did have two deferments:

- Parking Requirements – request the opportunity to address parking requirements after granting the special use permit.
- Privacy Fence Requirement – request the board to reconsider the type of fencing required. The 6-foot privacy fence necessitates significant setback requirements. They proposed a fence of their choosing.

Chairman Rau stated that since everything in the original special use request is the same, that the Planning Commission review the stipulations that were added to the special use request by the Board of Appeals and by them.

Conditions reviewed:

1. **Privacy/Barriers**- *“A 6-foot tall privacy fence will be installed enclosing the entire back yard and the empty lot directly behind the property. The fence will be high-quality white vinyl and professionally installed, meeting all city codes and setbacks.”*

The Board of Appeals requested a natural barrier of evergreen landscaping be included along with the fencing requirement for additional exterior security, and the Martinez’s requested they be allowed to install a fence of their choosing, when or if, they feel compelled for a barrier. The Planning Commission members agreed that they wanted some type of privacy barrier and discussions ensued on the following topics:

- Barrier of floral and trees.
- Privacy fencing only.
- Barrier containing both fencing and trees.
- Ordinance and setback requirements.
- 6-foot versus 4-foot fencing.
- Granting an extension as to when the fence stipulation would be required due to material acquisition issues.

At the conclusion of the various discussions, the Planning Commission decided that a fence would be required and installed per city ordinance. Specifically, a 6-foot tall privacy fence will be installed enclosing the entire back yard and the empty lot directly behind the property. The fence will be high quality white vinyl and professionally installed, meeting all city codes and setbacks. The fence shall be completed no later than one year after the certificate of occupancy has been issued.

2. **Inspections** – *“City will inspect the inside and outside of the facility every 6 months”*  
No changes to this requirement.
3. **Security** – *“A professionally installed security system will be added including alarms on all doors and windows throughout the building and security cameras in all common areas as well as full view of the outside of the property”.*  
No changes to this requirement.

4. **Type of facility** - “*Women only*”.  
No changes to this requirement.
5. **Signage** – “*No business signage allowed*”.  
No changes to this requirement.
6. **Medications** – “*This will be a non-medical facility. Medications inside the facility are stored in a locked medication cabinet in a locked office*”.  
No changes to this requirement.
7. **Detox** – “*Residents do not enter the program unless they have been through detox and provide documentation. There are no exceptions to this rule*”.  
The Planning Commission decided to adopt the wording by the Boards of Appeals on this topic which states “*Clients shall not enter the program unless they have documentation that they have been detoxed from a state or certified facility and will be drug tested upon entry to the facility*”.
8. **Participants will not have a vehicle, cell phone, or internet access.**  
No changes to this requirement.
9. **Participants agree to only leave the facility for scheduled supervised outings.**  
No changes to this requirement.
10. **Visitation** – “*Visitation for participants may begin after 30 days in the program. Visitation is scheduled on a rotation basis on the weekends as not to overcrowd the facility of the parking lot and all visitors are prescreened and approved by center Management*”.  
Ms. Martinez stated that to accommodate the requirement only two clients could have visitors at the same time.  
The Planning Commission had no changes to this requirement.
11. **All visitors are prescreened and approved by center management.**  
No changes to this requirement.
12. **Participants will not work outside the program.**  
No changes to this requirement.
13. **The Special Use Permit shall be limited to the current petitioners and shall cease 6 months after ceasing operations or putting the property for sale.**  
This stipulation was not listed on the Planning Commissions’ original conditions for a special use permit, but it was included as a requirement by the Board of Appeals. Chairman Rau questioned if a special use was limited to the petitioner or the property. City Attorney Dan Hayes stated the law was very complicated, but the more unique a situation the more the law would uphold this provision. After a short discussion, the Planning Commission decided they would not add this as a condition to their motion.

**14. Parking Requirement**

The Zoning Administer stated that changing the parking requirements could not be a condition of this petition as the parking requirements are outlined under the city code of ordinance.

**A motion was made by Lutz and seconded by Voelker to recommend approval on a Petition by Adrian and Leisa Martinez to consider a Special Use Permit to allow for the operation of a Recovery Residence at 228 Mueller Lane. (Parcel No. 07-25-101-025-000 and 07-25-101-026-000, and 07-25-101-016-000) with the following conditions:**

- 1. Barriers- Install fence per city ordinance. A 6-foot tall privacy fence will be installed enclosing the entire back yard and the empty lot directly behind the property. The fence will be high quality white vinyl and professionally installed, meeting all city codes and setbacks. The fence shall be completed no later than one year after the certificate of occupancy has been issued.**
- 2. Inspections - City will inspect the inside and outside of the facility every 6 months**
- 3. Security**
  - A professionally installed security system will be added.**
  - Alarms on all doors and windows throughout the building.**
  - Security cameras in all common areas as well as full view of the outside of the property.**
- 4. Type of facility- Women only.**
- 5. Signage- No business signage allowed.**
- 6. Medications- This will be a non-medical facility. Medications inside the facility are stored in a locked medication cabinet in a locked office.**
- 7. Detox- Clients shall not enter the program unless they have documentation that they have been detoxed from a state or certified facility and will be drug tested upon entry to the facility.**
- 8. Participants will not work outside the program.**
- 9. Participants will not have a vehicle, cell phone, or internet access.**
- 10. Participants agree to only leave the facility for scheduled supervised outings.**
- 11. Visitation to a resident is only after 30 days in the program.**
- 12. Visitation is scheduled on a rotating basis on Saturday and Sunday only.**
- 13. All visitors are prescreened and approved by center management.**

**Members voted as follows: YES – Hicks, Pittman, Gaitsch, Voelker, Lutz and Rau.  
Motion carried.**

**NEW BUSINESS:**

The Chairman asked if there was any new business. There was none.

**COMMENTS:**

The Chairman asked if there were any comments. There was none.

**Motion to adjourn the meeting at 8:42 PM was made by Lutz and seconded by Gaitsch.  
Motion carried.**

Minutes respectfully submitted by Mechelle Childers.