

PLANNING & ZONING MINUTES 9-12-07

1. The meeting was called to order at 4:40 p.m. Roll call: Mark LeMere, aye; Bob Ross, aye; Dave Dillenburg, aye; Tom Dennee, aye and Ray Gardner, aye. Rich Heidel arrived at 4:40 p.m. Jerry Lancelle is absent.
2. **Motion by Mark LeMere, second by Bob Ross to approve the agenda as presented. All in favor. None opposed. Motion carried.**
3. **Motion by Tom Dennee, second by Bob Ross to approve the August 22, 2007 minutes as presented. All in favor. None opposed. Motion carried.**
4. Presentation by Village Attorney Bill Woodward regarding conditional uses and conditional use permits: Attorney Bill Woodward explained that anything that is listed in the permitted uses is considered the principle structure. Accessory buildings cannot be constructed prior to a principle structure. A conditional use that is asked for “after the fact”, if denied, can be shut down. The Commission needs to look at the property as it stands at the time the permit is applied for. They need to analyze the area and review the request. Conditional use permits can have restrictions. Before approving the conditional use, the Commission must consider the Comprehensive Plan. The Comprehensive Plan must to be followed. Conditional uses go with the property unless specified differently in the conditions that are placed at the time the permit is issued.
If one of the conditions placed is a timeline, the Commission needs to establish a reason for placing a timeline on the conditional use.
A variance is requested when the use is not listed in the ordinance and there is no other use for this property.
5. Discussion / action re: change of zoning from A-1 to R-1 for Gerald Doxtator HB-1467, HB-1468, HB-1469 & HB-1470: **Motion by Tom Dennee, second by Mark LeMere to approve the change of zoning from A-1 to R-1 for Gerald Doxtator, HB-1467, HB-1468, HB-1469 & HB-1470. All in favor. None opposed. Motion carried.**
6. Discussion / action re: Change of zoning from A-1 to R-2-R for Salvador Cervantes HB-1495-6: **Motion by Rich Heidel, second by Ray Gardner to approve the change of zoning from A-1 to R-2-R for Salvador Cervantes, HB-1495-6. All in favor. None opposed. Motion carried.**
7. Discussion / action on Reliable Recycling conditions for Conditional Use: Owner of Reliable Recycling Mark Wilson was present and stated that he would like to get something in writing because he was granted a Conditional Use and there were no conditions put on the permit. A few neighbors have complained about noise and hours of operation. Jim will find out from the Attorney if another hearing is required when placing conditions on the existing conditional use permit. **Motion by Ray Gardner, second by Dave Dillenburg to table this item until Jim gets an opinion from the Village Attorney. All in favor. None opposed. Motion carried.**

Mark LeMere is excused at 5:55 p.m.

8. Discussion / action re: Extra Territorial 3-Lot CSM for Nicholas Beno in the Town of Lawrence: **Motion by Dave Dillenburg, second by Tom Dennee to approve the Extra-Territorial 3-Lot CSM for Nicholas Beno in the Town of Lawrence. All in favor. None opposed. Motion carried.**
9. Discussion / action re: Change of zoning from A-1 to ER for Debbie Schumacher with a Conditional Use for 10 Animal Units, HB-614-4: **Motion by Dave Dillenburg, second by Bob Ross to approve the change of zoning from A-1 to ER for Debbie Schumacher, HB-614-4 with a Conditional Use request for 10 animal units for dogs & cats and the condition goes with the current property owner as the primary occupant. All in favor. None opposed. Motion carried.**
10. Discussion / action re: Summit Pump driveway and dust issues: Mr. Tom Stephenson has complained to Jim that he cannot paint vehicles because of the dust from the driveway next door. Jim stated that Summit Pump has applied for a driveway variance and once the variance is approved he will be able to pave the driveway.
11. Future agenda items: Andrew Peterson Conditional Use
12. Adjourn: **Motion by Dave Dillenburg, second by Ray Gardner to adjourn the meeting. All in favor. None opposed. Motion carried.**

Meeting adjourned at 6:25 p.m.