

MINUTES
MOUNT VERNON PLANNING AND ZONING COMMISSION
MAY 10, 2017

The Mount Vernon Planning and Zoning Commission met May 10, 2017 at Mount Vernon City Hall Council Chambers with the following members present: Trude Elliott, Truman Jordan, Matthew Nelson, Rich Hileman, Joan Burge and Jenna Wischmeyer. Also in attendance, Zoning Administrator, Matt Siders and Chad Sands from ECICOG. Meeting was called to order by Chairperson Truman Jordan at 6:33 p.m.

1. Approval of Agenda and April 12, 2017 minutes. These documents stand approved unless otherwise indicated by Commission members.
2. Open Forum: each citizen limited to 5 minutes per discussion item.
3. Public Hearing and discussion and possible action on a request for a Conditional Use Permit for solar panels at 509 1st Street NE. Jordan opened and closed the public hearing with no public comment. Zoning Administrator, Matt Siders, explained that this follows the procedure in the Zoning Ordinance for a Conditional Use Permit and recommends approval. There are no issues from the City's standpoint. Wischmeyer asked for verification of which use category this falls under. Siders felt it would be an Alternative Energy Production Device (misc use) on page 4-12. There was a short discussion on whether the topic of solar panels should actually fall under a Conditional Use Permit in the Zoning Ordinance and could be addressed during the Zoning Ordinance changes discussion. Nelson would like to see more information provided with the permits on what types of panels are being installed and also where and how the panels are being placed. Hileman made a motion to recommend approval of this application for a Conditional Use Permit conditioned on the assumption that the panels will be installed flat on the roof and not highly reflective. Motion seconded by Burge. Carried all.
4. Discussion and possible action regarding fireworks legislation at State Capitol. Siders was advised to put this on the agenda for a general discussion because the bill has passed but may not take effect until July 1st. there is nothing in our current ordinance that would prevent the sale of fireworks but we could control the areas where they are being sold. One of the topics brought up was "pop up" tents being placed in town for selling fireworks. Hileman asked why we would have to allow them to be placed anywhere and just because you can now sell fireworks between certain dates in the state doesn't mean that we need to let people come in with

portable retail shops. He also went on to say if retailers who have stores here want to start stocking fireworks during that time period, they are now legally able to do that. As an example, Siders said there is nothing in the code right now that would stop Gary's from allowing a portable shop being set up in their parking lot to sell fireworks. That is why the item is on the agenda. Hileman suggested adding an item to next month's agenda that would add something into the Zoning Ordinance that would prohibit temporary structures from selling fireworks. He suggests confining the sale of fireworks to regular retail structures. City's have the authority to regulate how fireworks are being sold. Jordan asked how the current ordinance would cover this issue if Planning and Zoning did nothing. Siders said that he had talked with the City Administrator and they felt that it would fall under retail, wherever retail is allowed. There is nothing in the zoning ordinance that talks about temporary retail vendors. An example would be farmers selling sweet corn or vegetables out of their vehicles. Burge felt that most of the retail stores in town would not have the space for items such as fireworks and didn't see anything wrong with the temporary vendors. Hileman's own opinion was that he would rather not see little "circus wagons" that sell fireworks parked in people's parking lots. Wischmeyer said she would be in favor of keeping this as an agenda item for next month's meeting and hearing what Council decides. She does not have strong feelings on limiting the "pop up" tents but if the Council feels that this is important for the City to do it is important to know. Chad Sands with ECICOG pointed out that on page 6-14 of the Zoning Ordinance, it appears as though these types of sales would be allowed. Siders pointed out that on page 6-15 it gives the Zoning Administrator some flexibility on whether this type of sales would be ok or not. Siders will report back to the commission after the Council meeting on the 15th. If it needs to be discussed further it can be done at the next Planning and Zoning meeting in June.

5. Discussion and possible action of proposed Zoning Ordinance changes. Chad Sands gave an update on where the process is so far. At the last meeting in April the commission picked up where it had left off with the draft dated January 11th (page 58). The intent tonight is to finish going through the zoning districts, which include the Business Park district and Limited Industrial. Sands will take the commission through his changes and any discussion needed. Sands has been meeting with Matt Siders and Chris Nosbisch throughout the process and compiling a list of issues that need to be looked at. Those items will be looked at in either June or July.

Discussion began with the permitted uses in the Business Park district. Right now in the current ordinance, retail business is not allowed. Sands

asked if this should be allowed and felt that, after discussions with Siders and Nosbisch, retail business near the bypass area would not impact the retail in the uptown district. There would also be design standards in place. Hileman said the problem is that they do not want empty buildings in the uptown district and this would be a fundamental policy change in Mount Vernon. It is contrary to what zoning has been based on here for the entire time he has lived here. He does not disagree with the idea that it might make no difference at all but nobody knows for sure. Elliott agrees with Hileman and would rather see the retail kept uptown and find businesses that would not be deemed as retail to go into the Business Park district. Wischmeyer sees it as more of a question of what the plan is for the bypass area and how it should be developed. Sands said the feeling was that the City would be limiting economic development opportunities by focusing retail just on Main Street. Siders said that right now the majority of the uptown businesses are specialty shops as opposed to general retail. Joan Burge felt that Mount Vernon was limiting itself if you limit retail to uptown. Hileman said that this is a “fundamental philosophy” change that should not be done in a “review and consolidation” discussion. He is open to having this discussion if the entire community wants to have the discussion. Jordan said eventually the downtown as we now know it will be a historical destination and out near the highway is where the expansion will come. He feels if this is going to happen, discussion needs to continue with CDG and find out what it is that everyone wants to do. Sands said the corridor plan that is coming will give ideas going forward for updating the zoning ordinance. Nelson asked if P&Z could ask the individuals that were doing the corridor plan to follow the zoning ordinance and asked what would happen if it came back and all of the businesses in that area by the highway were retail.

Commission members went on to discuss how warehousing and kennels would fit in Business Park and whether they should be listed as a conditional use permit. Hileman said maybe they should not be in the business park district but in a broader commercial district. Sands also said that currently food sales are listed as a conditional use in Business Park and asked if it should be a permitted use. Members agreed with this. The allowable height of structures in Business Park was changed to 45 feet and a larger setback for uses adjacent to a residential district was discussed.

Discussion moved on to the Limited Industrial district where no major changes were made. Sands will update the proposed draft with the changes discussed tonight and send the updated version to commission members. He will also meet with City Administrator, Chris Nosbisch, and Zoning Administrator, Matt Siders, to go over issues discussed. There will be

another special Planning and Zoning meeting on May 24, 2017 at 6:30 p.m. to continue discussion on this item.

6. Zoning Administrator Report. Siders reported that Board of Adjustment met to discuss a Conditional Use Permit for a bed and breakfast that was approved.
7. Old Business.
8. New Business.

Meeting adjourned at 8:07 p.m.

Respectfully submitted,
Marsha Dewell
Deputy Clerk