

**TOWN OF NEWBURGH
PLANNING COMMISSION
MINUTES OCTOBER 6, 2014**

MEMBERS PRESENT: Jim Moore; Hap Hanson, Matt Pressley, Kris Setzekorn, Josh Claybourn, Anne Rust Aurand

ADMINISTRATIVE PRESENT: Lori Buehlman, Town Manager; Chris Wischer, Town Attorney

CALL TO ORDER

Mr. Moore called the meeting to order at 5:35 p.m.

MINUTES

Mr. Claybourn moved to adopt the minutes as presented. Mrs. Setzekorn seconded and the motion carried.

REPORTS

Staff

Ms. Buehlman said the Boyken house is under construction. The American Legion sign is up and operational and they took down the other two signs as agreed.

UNFINISHED BUSINESS

Rezoning petition for 116 Plum Street

Ms. Buehlman presented the Use and Development Commitments the owners are willing to put on the property if it is rezoned to C1. She said adjacent property owners have been notified again and she has the green postal delivery verification cards.

- Accessory uses
- Antique shops and galleries
- Art gallery and artist studio
- Business services
- Copying shops and quick print shops
- Design studios
- Florist
- Miscellaneous repair shops (with exceptions)
- Museums and art galleries
- Photo studio
- Printing, blueprinting operation
- Retail-apparel and accessory
- Retail-baker, butcher, fruits, vegetables
- Retail-furniture, appliances
- Retail-general merchandise
- Retail-grocery, hardware, drugs, liquor
- Retail-used merchandise
- Reupholstery and furniture repair
- Shoe repair, shine, hat cleaning shops

Property owner, Tammy Kollker said they re-measured the parking area and they can get three in front and two more in back.

Comments from citizens were heard. Julie Burns, 100 Plum Street, said she would object to the sale of tobacco in the restricted use list presented. She also expressed concern about parking since the street is already narrow. With parking, it could be too narrow for an ambulance or fire truck to enter, she said.

She also voiced concern about the safety of foot traffic on the street. She would like to see all residential properties stay residential and never be rezoned commercial without restrictions. Karen Noff, 224 W. Water Street, also expressed parking concerns. She also said she is not clear about the 10-foot clearance and hoped the proposed parking set up would not deter the property from returning to residential zoning if that ever became an issue.

Ella Rowland, who with her family owns 107 and 101 Plum Street and the duplex on Plum, said she shared the concerns of the previous speakers. She asked how the rezoning would affect property taxes and voiced concern about commercial development creeping into residential neighborhoods.

Mr. Wischer said property is taxed "in use" and the only reason property taxes would increase is if the value of the property rose.

Mr. Moore said taxes are outside the scope of the Planning Commission.

Ms. Rowland said she has issues with several of the permitted uses on the proposed commitment list. She would like more restrictions because she is concerned about future uses if this shop closes.

Mrs. Kollker said the reason she added the retail grocery to the list was so a shop that sells cookies and/or coffee would be able to locate there without further rezoning.

Mrs. Kollker agreed to further restrict the list and will discuss it with the concerned citizens before the matter is discussed by the Town Council.

After reviewing the revised statute, Mr. Wischer said the Planning Commission can approve the proposed rezoning application or not. That recommendation then goes to the Town Council. Mrs. Kollker can further restrict her list for the Use and Development Commitment agreement before she appears before the Town Council. If she chooses to make the list less restrictive, she would have to make another application to the Planning Commission.

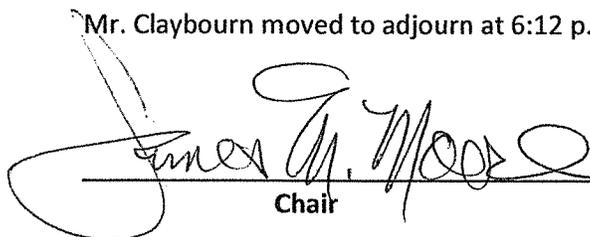
Mr. Claybourn moved to send the Town Council a recommendation to approve the rezoning application with the Use and Development Commitment as submitted. Mr. Hanson seconded the motion and it was approved in a 6-0 roll call vote.

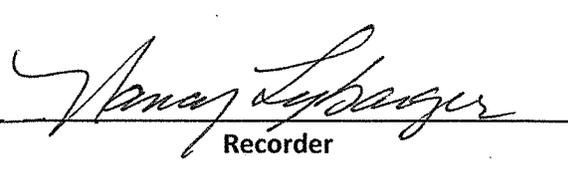
The measure will go to Town Council with a favorable recommendation.

Mrs. Aurand asked about the Gun sign. Mr. Wischer suggested the business has more ground signs than allowed under the sign ordinance. Only one per frontage is permitted and they have two panels. He proposed the next step in enforcement is a letter from the town advising the owners that one of the panels must be removed. Mr. Moore asked that the Planning Commission members receive a copy of the letter.

ADJOURN

Mr. Claybourn moved to adjourn at 6:12 p.m. Mrs. Setzekorn seconded and the motion carried.


Chair


Recorder