



Board of Adjustment

MINUTES

February 27, 2020

7:00 P.M.

City Council Chambers

1. CALL TO ORDER

Chair Rachel McCreary called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Chair Rachel McCreary, Vice Chair Rob Beckner, Board Members, Claudia Sprague, Mary Renfro, Bob Willmarth, and William Johnson.

Absent was: Board Member Hugh Nicolay.

Moved by Board Member Beckner, seconded by Board Member Johnson to excuse the absence. Motion passed, 6-0.

Also present was City Attorney Morris Richardson, Planning Director Christy Fischer, and Planner Denise Curry.

3. MINUTES

Board of Adjustment Meeting Minutes of December 18, 2019

Moved by Vice Chair Beckner, seconded by Board Member Johnson to approve the minutes. Motion passed, 6-0.

City Attorney Richardson advised the board regarding quasi-judicial proceedings.

4. PUBLIC HEARING(S) –

- a. **WITHDRAWN – Sam’s LP Gas – Conditional Use Permit and Site Plan Approval Request (CUP-2019-01)**

The applicant has **withdrawn** their request for conditional use and site plan approval for a proposed LP (liquid petroleum) gas company located on the south side of Ellis Road near the existing business at 9075 Ellis Road.

Applicant: Robb & Taylor Engineering, Robert Robb, PE
Location: South side of Ellis near the corner of John Rodes Blvd and Ellis Road.

Planning Director Fischer advised the board the application has been withdrawn and interested persons were notified.

b. Tru Hotel – Conditional Use Permit Amendment Request (CUP-2019-05)

A request for modifications to the conditional use and site plan approval for the proposed hotel at the southwest corner of City Acres Drive and New Haven Avenue.

Applicant: MAI, Wayne Allewelt
Location: Southwest corner of City Acres Drive and New Haven Avenue

Planner Curry presented the staff report. She gave the location, acreage, zoning, future land use designation and explained the request as a change of the dumpster location predominantly and information about their phasing plan for the Conditional Use and Initial Site Plan approved on October 24, 2019. She went over the original development order conditions to show compliance with condition to relocate the dumpster to be further from the adjacent residential properties to the south. She explained a phase line had been added to clarify the scope of the project but is not part of the revision approval. She talked about the stabilized driveway being proposed from Circle Drive as a Fire Department requirement and stated both conditional use and planned commercial development criteria are still met as well as the Interchange Overlay District requirements. She recommended the following motion:

Approve the initial site plan based on the analysis in the staff report with the following condition:

The final site plan must be submitted and be consistent with the initial site plan which complies with the October 24, 2020 condition of the conditional use permit, to relocate the dumpster for the hotel to be further from the adjacent residential properties to the south.

Chair McCreary opened the public hearing.

Wayne Allewelt talked about the stabilized driveway and that the need was identified during the site plan review process.

William Rodes, 1980 City Acres Road had questions regarding the drainage for the property and how it would affect his property. Staff and the applicant explained that drainage is to remain on site and not compromise his property drainage.

Discussion Included:

- The site must be designed to contain all of its stormwater.

- There is no exit west onto U.S. 192 because of the median.
- Phase 2 does not require another public hearing before the Board of Adjustment unless there is a significant change.

Chair McCreary closed the public hearing.

Moved by Board Member Willmarth, seconded by Board Member Renfro to approve the initial site plan based on the analysis in the staff report with the following condition:

The final site plan must be submitted and be consistent with the initial site plan which complies with the October 24, 2020 condition of the conditional use permit, to relocate the dumpster for the hotel to be further from the adjacent residential properties to the south.

Motion passed, 6-0.

5. REPORTS

1. Planning Director

There was additional discussion about the withdrawal of the Sams LP Gas

2. Board Members

No Reports

6. PUBLIC COMMENTS

No public comments

7. ADJOURN

There being no further business, the meeting was adjourned at 7:19 p.m.