

MINUTES OF THE PLANNING COMMISSION
MEETING HELD ON July 20, 2021

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

Roll call was taken: **Present:** Rau, Hicks, Lutz, Voelker, Gaitsch, Pittman
Absent: Frederick

Chairman Rau asked if there were any additions or corrections to the minutes from June 21, 2021 Planning Commission meeting. Lutz noted that we should update the previous minutes to reflect that JoAnn Meier **stated** she was present to represent the neighbors and homeowners. Change noted and minutes updated to reflect change.

A motion was made by Gaitsch and seconded by Pittman to approve the minutes of the June 21, 2021 meeting as presented. **Motion carried.**

The Chairman asked if there were any citizens to address the Planning Commission. There were none.

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

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

PETITIONS:

Z-21-07-01 Review and Comment on a Petition by Adrian and Leisa Martinez to consider Special Use Permit to allow for the operation of a Recovery Residence at 228 Mueller Lane (Parcel No. 07-25-1001-025-000).

Rau began with a few clarifications about the process and where we currently stand. He stated that the Commission would hear public comment and that individuals wishing to address the Commission should keep comments to 2 minutes. He clarified that this petition was related directly to the Special Use Permit and not about the Zoning. The City's attorney, Dan Hays, has written a memo to the Planning Commission and the Zoning Board of Appeals to clarify some of the potential legal ramifications. In short, in the eyes of the Department of Justice, a disability due to addiction and other disabilities are equal in the eyes of the law and the city could be opening ourselves up for a lawsuit under the Fair Housing Act.

The Planning commission agreed that tonight is not so much about whether to recommend the Special Use Permit, but rather what conditions we should place on the Special Use Permit. As conditions are discussed we will keep in mind the thoughts of the neighborhood.

Several members of the public commented against the issuance of a Special Use permit for this property.

City Zoning Administrator, Nathan Krebel, noted that if the special use permit is approved, the owners would be required to file for a change of use building permit. This means they would need to have signed sealed architectural prints and bring the building up to code before they can open.

The Commission discussed the following possible conditions to the special use permit:

- Fencing – The Commission decided not to deviate from the City's code on fencing.
- Parking – The Commission decided not to deviate from the City's code on parking spaces.
- City will inspect every 6 months
- Women only facility

- Privacy – a 6-foot 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.
- Security – a professionally installed security system will be added including:
 - o Alarms on all doors and windows throughout the building
 - o Security cameras in all common areas as well as full view of the outside of the property
- Medications – it will be a non-medical facility. Medications inside the facility are stored in a locked medication cabinet in the locked office
- Detox – Residents do not enter the program unless they have been through detox and provide documentation. There are no exceptions to this rule
- No outside Signage
- Participants will not work outside the program
- Participants will not have a vehicle, cell phone, or internet access
- Participants agree to only leave the facility for scheduled supervised outings
- Visitation:
 - o Visitation for participants may begin after 30 days in the program
 - o Visitation is scheduled on a rotating basis on the weekends so as not to overcrowd the facility or the parking lot
 - o All visitors are prescreened and approved by center Management.

Recommendation: A motion was made by Lutz and seconded by Voelker to Recommend a special use permit at 228 Mueller Ln to operate a Recovery Residence with the following conditions:

- **City will inspect every 6 months**
- **Women only facility**
- **Privacy – a 6-foot 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.**
- **Security – a professionally installed security system will be added including:**
 - o **Alarms on all doors and windows throughout the building**
 - o **Security cameras in all common areas as well as full view of the outside of the property**
- **Medications – it will be a non-medical facility. Medications inside the facility are stored in a locked medication cabinet in the locked office**
- **Detox – Residents do not enter the program unless they have been through detox and provide documentation. There are no exceptions to this rule**
- **No outside Signage**
- **Participants will not work outside the program**
- **Participants will not have a vehicle, cell phone, or internet access**
- **Participants agree to only leave the facility for scheduled supervised outings**
- **Visitation:**
 - o **Visitation for participants may begin after 30 days in the program**
 - o **Visitation is scheduled on a rotating basis on the weekends so as not to overcrowd the facility or the parking lot**
 - o **All visitors are prescreened and approved by center Management.**

Members voted as follows:

YES – Rau, Hicks, Lutz, Voelker, Gaitsch, Pittman

Absent: Frederick

NEW BUSINESS: There was none.

COMMENTS: There will be four petitions on the agenda for the next meeting: Two for signage variance, One for Special Use permit, and One for Re-Zoning. August 9th is next meeting,

Motion to adjourn the meeting at 9:16PM was made by Hicks and seconded by Pittman. Motion carried.

Minutes respectfully submitted by Lauren Voelker.