

**MINUTES OF THE MEETING  
OF THE  
DECATUR CITY PLAN COMMISSION**

Thursday, November 1, 2018  
City Council Chamber, Decatur Civic Center

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**I. Call to Order and Determination of a Quorum**

The November 1, 2018 meeting of the Decatur City Plan Commission was called to order at 3:00 P.M. in the City Council Chamber, Third Floor of the Decatur Civic Center, by Acting Chairman Kent Newton who determined a quorum was present.

Members Present: Bruce Jeffery, Jack Myatt, Bill Clevenger,  
Bruce Frantz, Kent Newton

Members Absent: Susie Peck, Mike Peoples, Tom Brinkoetter

Staff Present: Joselyn Stewart, Ray Lai, John Robinson,  
Griffin Enyart, Scott Dedert, Kylie Reynolds, Janet Poland

**II. Approval of Minutes of the October 4, 2018 City Plan Commission Meeting**

It was moved and seconded (Frantz/Jeffery) to approve the minutes of the October 4, 2018 meeting of the Decatur City Plan Commission. Motion carried with Jack Myatt abstaining.

**III. New Business**

**Case No. 18-45      Petition of MICHAEL A. POUND, to rezone the property located at 3550 and 3612 EAST WILLIAM STREET from R-3 Single-Family Residence District to B-2 Commercial District.**

It was moved and seconded (Myatt/Jeffery) to forward Case No. 18-45 to the City Council with a recommendation of approval as set forth in the staff report.

Mrs. Joselyn Stewart was sworn in by Mrs. Janet Poland.

Mrs. Stewart discussed and presented slides of the site and surrounding properties (available for viewing upon request) along with the recommendation of staff:

The subject site located at 3550 and 3612 East William Street Road is currently zoned both R-3 Single-Family Residence District and B-2 Commercial District. The portion of the property proposed to be re-zoned consists of approximately 11,320 square feet and is currently vacant. On the southern part of the parcel which is already zoned B-2 Commercial District there is a commercial building on site (Elmer's Old Time Inn).

The petitioner proposes to rezone the northern portion (11,320 square feet) of the site from R-3 Single-Family Residence District to B-2 Commercial District to create a uniform zoning district for the site.

The subject site is located within a mixed-use area and rezoning to B-2 Commercial District should have no adverse effect on the general area or the City as a whole.

Staff recommends approval of the rezoning request.

Mr. Michael Pound, petitioner, was sworn in by Mrs. Poland.

Mr. Pound stated they are landlocked with the north lot zoned residential and the south lot commercial. They are requesting the north lot be rezoned B-2 Commercial District.

There were no questions and no objectors present.

Upon call of the roll, Commission members Bruce Jeffery, Jack Myatt, Bill Clevenger, Bruce Frantz, and Acting Chairman Kent Newton voted aye. Acting Chairman Newton declared the motion carried.

**Case No. 18-46      Petition of SAJED AND RIBHI QATTOUM, for a Conditional Use Permit in the B-1 Neighborhood Shopping District to allow for a drive-thru facility for a convenience store/pharmacy, without extended hours as defined, located at 806 SOUTH JASPER STREET**

It was moved and seconded (Frantz /Clevenger) to forward Case No. 18-46 to the City Council with a recommendation of approval as set forth in the staff report.

Mr. Scott Dedert was sworn in by Mrs. Janet Poland.

Mr. Dedert discussed and presented slides of the site and surrounding properties (available for viewing upon request) along with the recommendation of staff:

The petitioner is requesting a drive-up facility within the proposed convenience store/pharmacy at the subject site.

Staff recommends approval of the conditional use permit with the following conditions:

1. Install landscaped curb islands at the two ends of the parking row in the front of the building.
2. An alternative landscaping plan may be considered if the applicant can prove there is a “unique situation” associated with the property. Otherwise, a 13’ buffer is required to the east between the property and residential use.
3. No outside speakers shall be permitted except for the drive-through facility.
4. All lights facing the east and south shall be shielded.
5. Hours of operation shall only be permitted between the hours of 5:00 AM and 10:00 PM.
6. Final site, landscaping and lighting plans shall be submitted to and approved by the Economic and Community Development Department, Public Works Department and the Fire Department prior to permits being released.

Mr. Dedert discussed the setbacks and property lines for the subject site.

Mr. Jonas Ozier and Mrs. Mary Cave, representatives for the petitioner, were sworn in by Mrs. Poland.

Mr. Ozier handed out a site plan for the subject site and stated the petitioner wants to convert the existing building into a pharmacy/convenience store. The lot to the south was purchased and the house was demolished. The parking requirements have been met and a Conditional Use Permit is needed to have a drive-thru to accommodate the pharmacy.

Mrs. Cave stated a few changes have been made to the site plan that was handed out and they also have a few issues with some of staff’s recommendations that she would like to review with the Plan Commission.

Mrs. Cave said the first issue they have is to Condition 1: installing landscaped curb islands. Mrs. Cave said the lot is paved to the north and west property lines. The owner will remove pavement in order to landscape between the parking lot and the property lines. The cost to remove additional pavement and install the curb islands is an excessive expense to the property. Mrs. Cave said there is sidewalk on the north side of the building to take pedestrians safely to their vehicles. There is a six (6) foot tall barrier to the east for the required buffer yard that will also prevent any pedestrians from accessing the property from the west to the east. They propose to stripe the area east of the parking stall in order to direct vehicles that are leaving the drive-thru area away from the parking stall instead of installing a curb island. The west side of the north parking area has twenty (20) feet from the furthest west parking stall. They propose to create another striped island on the west side to direct vehicles to the drive-thru lane. They propose to stripe a pedestrian crosswalk across the parking lot and construct a small section of sidewalk over the west landscape area to join the City's right-of-way sidewalk for the safety of the customers.

Mr. Ray Lai, Director of Economic and Community Development, stated the landscape curb islands are requirements in the Zoning Ordinance. Mrs. Cave stated it is a requirement if there is more than fifteen (15) parking stalls in one (1) row. Mr. Lai stated the islands are for the protection of the vehicles as well as the pedestrians and to direct traffic.

Mrs. Cave stated they also have an issue with Condition 2: an alternative landscaping plan may be considered. Mrs. Cave said they appreciated this condition. They are proposing to grow arborvitae screening, tall evergreen trees, instead of a fence. They would like to propose this be the only landscape installed. The standard alternative is a six (6) foot fence along with other plantings.

Mrs. Cave said many times the redevelopment of a site has many challenges. B and C Television operated at this site for decades without wide enough drive isles, landscaping or the correct setbacks. They request the Commission to consider the overall positive impact this development can bring to the area.

Mr. Bruce Jeffery asked if the store would sell liquor. Mrs. Cave said there will be no liquor sold at this location. Mr. Lai said the Commission could add a condition that there will be no liquor sales at this development.

Mr. Jeffery asked if the curbed islands were a requirement in the Zoning Ordinance. Mr. Lai read Section XXVIII, Landscaping and Exterior Lighting, E.4.d. (Curb Materials). Mr. Lai stated in the winter when snow is present you will not be able to see the stipes on the parking lot directing traffic. The curbed islands would be necessary to protect the vehicles. Mrs. Cave said that Mr. Lai read the section of what the curb islands can be made of but the islands are only needed when the interior parking is more than fifteen (15) parking stalls in a row. There are only twelve (12) parking stalls.

Mr. Jeffery asked if there was anything in the Zoning Ordinance concerning the arborvitae screening instead of a six (6) foot fence. Mrs. Cave reviewed the points that would be needed for the landscaping for the site and stated the Director of Economic and Community Development has the authority to approve an alternative landscaping plan. Mr. Lai stated a combination of fencing with landscaping would be appropriate since the apartment building faces this site. There would be gaps in the trees. Staff will review the specific site plan and decide if the alternative landscaping plan would be approved.

Mr. Bill Clevenger stated the curbed islands create a long-term maintenance issue. There is no guarantee that they will be maintained in the future. The fencing also creates long-term maintenance and expense for the developer. Mr. Clevenger has driven by this site for thirty (30) years and nothing has been there for a decade. We are making it extremely difficult to develop this corner when we should be cheering for them to make this corner as developable and useable as we can.

Mr. Ribhi Qattoum was sworn in by Mrs. Poland.

Mr. Qattoum stated he and his brother purchased this property last year and would like to open up his own pharmacy. He stated most people use the drive-up for the pharmacy instead of walking inside. They are not going to have liquor and plan on having food, medical supplies and convenience store items.

Mr. David Mattingly, owner of apartment building, was sworn in by Mrs. Poland.

Mr. Mattingly has four (4) tenants in the apartment building to the east. Each front door and living room faces the proposed convenience store/pharmacy. The lights of each vehicle will shine in on each apartment. He is not opposed to the development. He does not want to have only shrubbery put up as a buffer. He would like a fence and shrubbery to protect the property and the tenants that live there.

Mrs. Cave stated the owner will put up a thirteen (13) foot buffer yard from the sidewalk that will be greenery and a solid fence. There will be no speaker at the drive-thru. Currently, there is paving all the way up to the sidewalk of the apartments. The owner will be removing thirteen (13) feet of the pavement and it will be green as well. The parking stalls on the south side of the property line will face to the south/southeast and not to the east. A solid fence will replace the arborvitae trees on the landscaping plan.

Mrs. Cave would like to request the Commission to modify the staff recommendation conditions to not require curb islands in the parking lot.

Mr. Bruce Jeffery asked how long the Conditional Use Permit is in effect. Mr. Lai stated the Conditional Use Permit is issued to the owner, not the property.

Mr. Bruce Frantz asked if there was only one (1) drive-up window. Mrs. Cave said that it correct. Mr. Quattoum stated the customer will drop off the prescription and come back at a later time to pick-up the prescription. They will not be allowed to wait.

It was moved and seconded (Frantz /Jeffery) to revise the previous motion for Case No. 18-46 to forward to the City Council with a recommendation of approval as set forth with the following conditions:

1. The developer and City staff work together on the landscaping plan to incorporate a solid fence along the east side with landscaping.
2. No outside speakers shall be permitted.
3. All lights facing the east and south shall be shielded.
4. Hours of operation shall only be permitted between the hours of 5:00 AM and 10:00 PM.
5. Final site, landscaping and lighting plans shall be submitted to and approved by the Economic and Community Development Department, Public Works Department and the Fire Department prior to permits being released.
6. No alcohol sales shall be permitted.

Upon call of the roll, Commission members Bruce Jeffery, Jack Myatt, Bill Clevenger, Bruce Frantz, and Acting Chairman Kent Newton voted aye. Acting Chairman Newton declared the motion carried.

#### **IV. Appearance of Citizens**

No citizen expressed comments.

**V. Comments and Information from Commission Members**

No commission member expressed comments.

**VI. Adjournment**

There being no further business, and upon the call of roll, Acting Chairman Newton declared the meeting adjourned at 3:59 P.M.

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Kent Newton, SecretaryDecatur City Plan Commission