

**Planning and Zoning Commission Meeting  
April 13, 2015 @ 7:00pm**

In attendance were Chairman Bob Linett, Commissioners Jim Koozer, Holly Wingate, and Charles Laskowski, URS representative Kyle Gulbranson, Town Manager Debbie Botchie, and Town Code & Building Administrator Eric Evans. Commissioner Paul DuCott was absent.

1. **CALL TO ORDER:** Chairman Linett called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ADOPTION OF MEETING MINUTES – March 9, 2015:** Commissioner Holly Wingate motioned to accept the adoption of the minutes from the March 9, 2015, Planning & Zoning (P&Z) Meeting. Commissioner Jim Koozer seconded the motion. Motion was carried 4-0.
4. **NEW BUSINESS:**
  - A. Review, discuss and vote on possible recommendation to the Town Council on draft Ordinance 15-03. Synopsis: Ordinance 15-03 amends the Town of Millville Code at Chapter 155 at: Article VI “District Regulations”, § 155-09. AR-Agriculture Residential District, § 155-10. R-Residential District, § 155-12. MPC – Master Planned Community District, § 155-13. C1-Route 26 Corridor/Town Center Commercial District, § 155-14. C2-Town Commercial District, Article VII. “Supplementary District Regulations” adding § 155-28. Off-Street Parking. C. Design standards for parking areas, Article XIV. “Terminology”. Mayor Hocker formed a committee earlier this year which consisted of the following persons: Councilmembers Maneri and Kent, Town Manager Debbie Botchie, Code & Building Administrator Eric Evans, Town Planner Kyle Gulbranson, URS Corp., and Planning & Zoning Chairman Bob Linett. The committee worked very diligently this past year reviewing and discussing the zoning district regulations in the Town’s current code, and has made several suggested changes to the code to ready the Town for future growth. The P&Z Commission, at its regular meeting on January 12, 2015, reviewed the sections of AR District and R District; and on March 9, 2015, reviewed the sections of the C1 District and C2 District. The ordinance was redesignated the number 15-03 after the number 15-02 was assigned to another ordinance.

Chairman Bob Linett stated this was a continuance of the review of the amendment to the Town’s zoning code, picking up where the P&Z commission left off last month, and before getting to the next topics, Town Manager Debbie Botchie would like to comment on what was reviewed at last month’s P&Z meeting on March 9, 2015. Ms. Botchie stated, regarding the specialty shop, the Town can prohibit the use of an adult entertainment shop (such as a Dragon’s Lair). Ms. Botchie stated she reviewed other municipality’s codes on the matter and sent some language to Town Solicitor Seth Thompson for him to work on. Ms. Botchie stated Mr. Thompson added the “applicability of zoning regulations” under chapter 155-8, which reads “[f]or the purpose of this chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists of other regulations of this chapter,

uses not specifically listed are prohibited. Without limiting or affecting the foregoing, and for purposes of clarity, all of the following uses are prohibited in all districts: (1) Adult entertainment establishments; (2) Massage establishments.” Ms. Botchie stated the Town defines a massage establishment as a business which offers massages, which include bathing, physical massage, rubbing, kneading, anointing, stroking, manipulating or other tactile stimulation of the human body by hand or by an electrical or mechanical device. Ms. Botchie further stated the massage establishment definition points out that “massage establishments” do not include “a chiropractor, podiatrist, barber, nurse, optometrist, cosmetologist, dentist, physician, massage and bodywork practitioner, physical therapist, athletic coach or trainer.” Commissioner Holly Wingate asked what the difference was between a regular massage establishment, which will be prohibited, and a “massage and bodywork practitioner.” Town Building & Code administrator Eric Evans stated a massage and bodywork practitioner needs to be fully licensed and, to some degrees, accredited, whereas as a regular massage establishment, which will be prohibited, does not. Ms. Botchie stated this is how the State’s Code defines the terms and it is the Code to which the Town will adhere.

Ms. Botchie stated, regarding the hotel and motel being placed only in the C2 district due to size, she believes P&Z needs to rethink this decision because there needs to be an understanding that the area will expand and the reason the Code is being reviewed and the Town is allowing more uses is because the Town needs to be ready for the expansion and not digress from it. Ms. Botchie stated the Town currently has several parcels on Route 26 which could accommodate a hotel or a motel with parking and everything that goes with it, and the hotels and motels still need to meet all of the building regulations. Ms. Botchie further stated the Town currently only has a few parcels which are zoned C2, but it is the Town’s hope that on Route 17/Roxana Road, some parcels may annex into the Town and those parcels will be large enough to be zoned as C2. Ms. Botchie stated hotels and motels can be placed on C1 zoned parcels along Route 26 because some of the lots are considerably big, and the business would still have to adhere to the building restrictions and codes. Ms. Botchie stated she would like P&Z to rethink their stance on not allowing hotels or motels in the C1 district because the Town does not have any sleeping accommodations and she thinks it would be a welcome amenity to the area. Mr. Linett asked if a business comes in and wants to build a hotel/motel, and it is not allowed in the C1 district, could the business come before Town Council and request the zoning be changed from C1 to C2? Ms. Botchie stated the Town could knock it down because it is not in the comprehensive plan. URS representative Kyle Gulbranson stated the comprehensive plan simply states the zoning to be commercial and it does not specify whether it is to be zoned C1 or C2. Ms. Botchie stated the comprehensive plan would be the reason Council would not approve such a change. Mr. Gulbranson stated the C1 district limits the size of a building to 20,000 square feet, and no one is going to build a 20,000-square foot motel. Commissioner Charles Laskowski asked if the intent was to keep Route 26 the same “old-town feel” as it has been. Ms. Botchie stated P&Z will not get that because of when the Route 26 corridor opens up, even though the Town would rather have smaller scale businesses. Mr. Linett asked what the best way was to accomplish keeping the Route 26 section of Millville smaller scale. Ms. Botchie stated she would like to keep it smaller scale and no one has come in to her to ask about putting in a hotel or motel, but the realistic take on this is once Route 26 widens, there is a good chance hotels or motels will come into the Town and ask to build in the C1 district and

they will be allowed, even though they can only build up to 20,000 square feet. Ms. Botchie stated to keep in mind any business can come in and rezone from C1 to C2 and say they will build one thing but then change their mind after the rezoning – and build a hotel – and the Town can do nothing to stop them because it’s State law. Mr. Linett motioned to keep C1 as just bed-and-breakfasts, and C2 as hotels and motels – and keeping such establishments out of the C1 district. Ms. Wingate seconded the motion. Motion carried 3-1.

Ms. Botchie asked if the landscaping nursery definition was sufficient. The P&Z Commission stated it was fine. Ms. Botchie asked if the new “yard waste site” language was sufficient. The P&Z Commission stated they were fine with it, with a few minor language edits.

Mr. Gulbranson stated on page 27, “Supplemental District Restrictions,” were mostly referring to parking, and the Town wanted to make sure the list of design standards for parking areas was updated to include all of the new uses which the Town has been adding. Mr. Gulbranson stated what the Town has done is scaled the parking back a bit based on the use, because there would be an overabundance of parking spaces which would not get used. The P&Z agreed to leave in the comment “An off-street parking space is an all-weather, surfaced area.”

Mr. Gulbranson stated, on page twenty-nine (29), under “Conditional Uses,” there was a whole list of uses of what could be considered a conditional use, but Ms. Botchie, Mr. Evans and I took those uses out because it allows for if there is a use which is not covered by the zoning code, someone could come before Town Council and plead their case about a particular use and that use would be decided by Council. Mr. Gulbranson further stated this is how a lot of towns handle their conditional uses.

Mr. Evans asked if the P&Z Commission needed to review the definitions. Ms. Botchie stated no, the review of the zoning code was done. Ms. Botchie stated the Town will produce the final draft and P&Z will review it at the next meeting.

#### **6. PROPERTY OWNER/AUDIENCE COMMENTS:**

There were no comments.

#### **7. ADJOURNMENT:**

Mr. Linett stated the next P&Z meeting would be on May 11, 2015. Mr. Koozer motioned to adjourn the meeting at 8:26 p.m. Mr. Laskowski seconded the motion. Motion passed 4-0.

Respectfully submitted and transcribed  
by Matt Amerling, Executive Assistant