

**CITY OF WAYLAND
PLANNING COMMISSION
SEPTEMBER 11, 2007**

Chairman Gonzales called the meeting to order at 7:00 p.m.

Chairman Gonzales led the Pledge of Allegiance.

ROLL CALL:

Members Present: Chairman Gonzales, Dorothy DeWeerd, Joel Frederickson, John Frigmanski, Mark Holloway (ex-officio), Jeff Hudson, Ron Kobish, Jim Ramey, Mary Reno, Kelle Tobolic.

Members Absent: None.

Others Present: Bruce Patrick, Jackie Straub, Darin Winkler, Tammy Winkler, Heath Maas, Mike Howard, Roger Morgenstern, Robert Warner, City Planner Mark Sisson, City Manager Deborah Nier.

PUBLIC HEARING:

RE: ITC Transmission, 801 S. Main St. – Re-Zoning Request, Parcel No. 03-56-005-143-00, Northern Portion in Section 5

Chairman Gonzales opened the Public Hearing at 7:05 p.m.

Appearing for the applicant was Roger Morgenstern of ITC, and Robert Warner, of McNeely & Lincoln Associates, Inc. (engineer). Mr. Morgenstern explained that ITC was seeking re-zoning of the subject parcel that is currently zoned residential. ITC would like to have the parcel re-zoned to I-1. Mr. Morgenstern pointed out that the subject parcel is owned in total by ITC and that the parcel has been in used for purposes compatible with the I-1 zoning for over forty years. Previous owners have been allowed to use the area as if it were zoned for industrial purposes, even though the parcel was zoned residential.

Chairman Gonzales asked for comments:

Darin and Tammy Winkler said that they feel that the R-1 zoning serves as a buffer between the adjacent residents and the industrial use.

Commissioner Reno questioned whether previous owners had left the property as residential in anticipation of a street connecting to South Main.

City Planner Mark Sisson pointed out to the Commission that the relevant issue is whether the re-zoning has merit.

Maury Stahl asked about the use as identified in the future land use plan. Mr. Sisson replied that the Future Land Use plan identified the parcel as residential.

Darin Winkler asked what would happen if the re-zoning were denied. It was pointed out that if the re-zoning were denied, ITC would not be able to use the existing parking on

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the site nor use the property for any use not permitted in the residential zoning classification.

Commissioner Frigmanski asked if the zoning has ever been changed to reflect the actual uses of the property. City Manager Nier replied that a search of records and speaking to past officials seemed to indicate that it had been assumed that the entire property had been zoning industrial. However, there were no records found to indicate that the zoning had been formally changed to reflect the industrial zoning.

Darin Winkler stated that he had been told that the property belonged to the City. He added that re-zoning would create more problems.

Jackie Straub, Wayland Chamber of Commerce, said that ITC owns the property and purchased it, knowing that SPX and Kessler had used it for industrial purposes.

Chairman Gonzales closed the Public Hearing at 7:40 p.m.

Commissioner Frigmanski made a motion to table the re-zoning decision until the zoning code is amended relative to screening. Commissioner Ramey pointed out that the re-zoning issue needs to be addressed before review of the site plan, which would include the screening requirements. Commissioner Frigmanski agreed and withdrew his motion.

Commissioner Reno recognized that ITC purchased the property with the knowledge that it was used for more than forty years as industrial.

Commissioner DeWeerd made a motion to grant the applicant's request to rezone Parcel No. 03-56-005-143-00, northern portion of Section 5, as I-1, Light Industrial. Motion was seconded by Commissioner Ramey. Chairman Gonzales took a roll call vote:

AYE: DeWeerd, Kobish, Ramey, Hudson, Tobolic.

NAY: Frederickson, Frigmanski, Gonzales, Reno.

Motion passed. City Manager Nier told the Commission that the re-zoning recommendation would be placed on the September 17 City Council agenda.

APPROVAL OF MINUTES:

Commissioner DeWeerd made a motion to approve the minutes of the August 14, 2007 Planning Commission meeting with corrections. Motion was seconded by Commissioner Frigmanski. All ayes. Approved as corrected.

OTHER MINUTES FOR REVIEW:

City Council minutes for the meetings of August 6 and August 20 were acknowledged for file.

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ITC TRANSMISSION – SITE PLAN REVIEW

Roger Morgenstern of ITC and Project Engineer Robert Warner reviewed the site plan being presented for Commission consideration. Commissioners voiced concerns about features of the site plan, including:

- Type of stone surfacing and dust control
- Style and appearance of the truck canopy, particularly concerned about whether finish is reflective
- Lighting
- Screening.

Mark Sisson reviewed ideas on screening that might address concerns from the neighbors. He pointed out that 100% obscenity is not the goal of regulations, but it is reasonable to expect that screening blocks activity from first floor.

Heath Maas, resident, commented that the aluminum fence does not meet the attractiveness of the neighborhood. Commissioner Hudson stated that the ordinance on screening is not clear on design, but says that the fences should be maintained in a neat and attractive manner commensurate with the neighborhood. Mark Sisson said that it is reasonable to request a change in the fence, although it may not be defensible in court.

Commissioners Reno, Ramey and Kobish agreed that screening the building and activities is an issue and should be part of the site plan.

The Commission asked Mr. Morgenstern to review the issues brought up at the meeting and continue discussion of the site plan at the October meeting. Mr. Morgenstern asked if the parcel to be re-zoned could be added to the site plan. He was told that it could, if the re-zone was approved by the City Council.

LANDSCAPING REQUIREMENTS:

Discussion of landscaping requirements will be postponed to a future meeting.

PUBLIC COMMUNICATIONS AND COMMENTS:

Chairman Gonzales welcomed Jeff Hudson as the newly appointed commissioner.

ADJOURNMENT:

Meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Deborah K. Nier, City Manager

J.D. Gonzales, Chairman