

PLANNING & ZONING MEETING

JUNE 15, 2023

ATTENDEES: David Chillas, Chair
Frank Bailey, Fire Chief
Morris Deputy, Town Manager
Chuck McCausland
Jenn Parrish
Joe Pontak
Gretchen Rachko
Charles Roberts
Keith Thompson

1. Call to Order

2. Pledge of Allegiance

Prior to the Public Hearing portion of the meeting, Chairman Chillas addressed an issue with Joe Pontak, concerning inappropriate comments that were made to Ted Williams during the Freddy's Steakburgers presentation last month. Chillas suggested an apology was owed to Mr. Williams.

Joe Pontak responded that if he is being called out, he would like to know what the actual comment was; when that happens, he will be more than willing to have a formal apology for him.

It was pointed out his comments were in the minutes.

Agenda:

1. 601 South Ridge Avenue (Parcel 3 at the Parkway at South Ridge and Westown Town Center) – Preliminary Minor Land Development Plan for a 3,013 square-foot drive-thru restaurant (Freddy's Frozen Custard & Steakburgers) in a C-3 zoned area.
Tax Parcel No. 23-022.00-189.

Chairman Chillas commented that since the project has been presented twice and tabled, he recommended a motion be made and voted on.

Jenn Parrish expressed to Mr. Williams, that she was undecided last month about voting to table the project and kept quiet. In reflection, she said she felt badly about how it was handled.

Keith Thompson commented that his frustration is that Kohl's didn't attend to represent the project and most of his questions required answers from them.

Joe Pontak commented that he feels there are questions that still need to be asked. The situation is pretty detrimental and it could be fixed before it goes forward. He questioned if more stores are going to be put at the end of the parking lot.

Morris Deputy said he talked with the Town Solicitor as requested by the Planning and Zoning Commission.

Moving forward, an applicant must request to be tabled, or agree if asked by the Planning and Zoning Commission. Otherwise, an applicant has a right to due process and the Planning and Zoning Commission needs to have an up or down vote on the project.

Ted Williams, with Landmark Science and Engineering, said he did not take any of the comments personally. He thanked the members and said he understands that the Commission has a job to do and everybody has an opinion. He pointed out that he represents Freddy's, and not Kohl's, and requested a vote up or down for the project.

Moved by Chip Roberts and seconded by Keith Thompson to recommend Mayor and Council approve 601 South Ridge Avenue (Parcel 3 at The Parkway at South Ridge and Westtown Town Center) Preliminary Minor Land Development Plan for a 3,013 square-foot drive-thru restaurant (Freddy's Frozen Custard & Steakhburgers) in a C-3 zoned area. Tax Parcel No. 23-022.00-180. Motion Carried 6 to 1. Joe Pontak voted "Nay" based on the traffic situation being neglected.

2. 5 S. Cox Street – Minor Subdivision Plan to divide the subject site, comprised of 0.097 acres, into two lots. Lot 1 will be 0.054 acers and Lot 2 will be 0.043 acres. Tax Parcel No. 23-006.00-298.

Rosanna Tassone with Civil Engineering Associates, represented Marsha Conley, the owner.

- The parcel is located on the corner of E. Main Street and S. Cox Street.
- Two primary structures and two accessory structures currently sit on the lot.
- First State Arms Antiques occupies the house fronting on Main St., which also has one apartment on the second level.
- A single-family home sits on the back of the lot.
- The lot is currently non-conforming; both buildings were built in the 1920's and do not meet any Town regulations.
- Warriors Helping Warriors currently rents the apartment and the house from the owners.
- The plan proposes to divide the lot into two lots with one main structure and one accessory structure (shed) for each lot. The lots will remain with the same ownership and remain as non-conforming.
- Parking: 9 public parking spaces are along S. Cox Street; 4 are required.

Gretchen Rachko asked if any additional construction is proposed.

Ms. Tassone said no construction is proposed; just subdivision of the lot. All existing structures will stay as they are.

Moved by Keith Thompson and seconded by Jenn Parrish to recommend Mayor and Council approve 5 S. Cox Street – Minor Subdivision Plan to divide the subject site, comprised of 0.097 acres into two lots. Lot 1 will be 0.054 acres and Lot 2 will be 0.043 acres. Tax Parcel No. 23-006.00-298. Motion Carried Unanimously.

3. 108 Patriot Drive, Suite F – Conditional Use Permit request for a Real Estate Management and Development Office in an M-I zoned area. CU-07-23. Tax Parcel No. 23-041.00-005.

Tom Wilcox requested approval to allow a Real Estate Management and Development Office at 108 Patriot Drive, located in the M-I zoning district.

Frank Bailey asked what will be stored in the warehouse portion of the space.
Mr. Wilcox said nothing at this time; it will be left open.

Moved by Jenn Parrish and seconded by Joe Pontak to recommend Mayor and Council approve 108 Patriot Drive, Suite F, Conditional Use Permit request for a Real Estate Management and Development Office in an M-I zoned area. CU-07-23. Tax Parcel No. 23-041.00-005. Motion Carried Unanimously.

Moved by Mr. Pontak and seconded by Charles Roberts to adjourn. Motion Carried Unanimously.

We believe these minutes accurately reflect what transpired; however, we will appreciate comments involving a different understanding of what occurred. Unless we are notified in writing to the contrary within 10 days after receipt, we will assume all in attendance concur with the accuracy of this transcription.

Respectfully Submitted,

Morris Deputy, P.E.
Town Manager

RY 6/21/23
cc: Mayor & council
P&Z Members
All Attendees
Verdantas