

Meeting Minutes
Waverly Municipal Planning Commission

APPROVED

Special Meeting
January 3, 2007
Municipal Building

The meeting was called to order by Chairman Corwin at 4 p.m. Chairman Corwin, Commissioner Allen, Commissioner Demlow and Mayor Reed were all present. Also present were Community/Economic Development Director Nathan Davis and two representatives from Solid Rock Developers. Other audience participants were present as documented on the Audience Sign in Sheet for the Meeting. Commissioner Boyd was announced to be arriving late by Mr. Davis.

Chairman Corwin requested all commissioners to review the past meeting minutes from the December 13th regular meeting. Chairman Corwin asked if there were any proposed changes, deletions or additions. **Finding none Commissioner Demlow made a motion to approve the minutes as drafted. The motion was seconded by Commissioner Allen. Roll Call: All Aye.**

At this time Chairman Corwin referred to the Agenda and announced that the representatives from Solid Rock Development would now give a brief presentation explaining their proposed development of a Motel (Microtel) in Waverly.

At this time Mr. Mike Shienke of Solid Rock Developers set up an easel displaying a site plan and architectural drawing of the proposed Motel. Mr. Shienke stated that Solid Rock Developers was founded in 2001 and specialized in multi-family dwelling development. Mr. Shienke displayed an architectural drawing of the proposed building and then stated that the proposed motel would be 72 units of standard size. Mr. Shienke stated that Solid Rock Developers did obtain a contract for the land from the owner and had hired McCarty & Associates to perform site and civil engineering for the project. At this time Mr. Shienke introduced Mr. Loren Puckett, P.E. of McCarty and Associates who came forward to further explain the site and civil aspects of the proposal. Mr. Puckett displayed a site plan which illustrated how access would be maintained to the site off of St. Rt. 104. Mr. Puckett also stated that the site would include a retaining wall for the hillside at the rear of the site and also an on-site storm water retentions system. At this time Mr. Puckett asked if there were any questions. Chairman Corwin asked if an actual closing date for the sale of the property has been set yet. Mr. Shienke stated that a closing date had not been set officially but that he believed one was scheduled for late February. Mr. Shienke stated that Solid Rock Developers had researched the occupancy rates in the area. An audience participant by the name of Randall Roe inquired as to where Mr. Shienke had obtained his occupancy rates from. Mr. Shienke stated that they had obtained them from other Hotels in the area. Mr. Shienke then inquired as to whether or not Mr. Roe owned any Hotels in the area. Mr. Roe stated that he was an owner of the Ameristay Hotel in Waverly and that his occupancy rate was only 54% for the last two years. Mr. Shienke stated that he would have to check with Mr. Williamson of Solid Rock Developers to know for sure what other hotels or motels specifically that Solid Rock had obtained data from. Mr. Roe stated that when he signed the agreement with

Mr. Tom Williamson of Solid Rock to sale him the property, he specifically stated that he did not want the property to develop into a hotel. Mr. Roe stated that when he raised this issue with Mr. Williamson he was informed to talk to his attorney. Mr. Roe then went on to explain the contents of the contract stating that "Exhibit A" of the contract which was to describe the property being sold more specifically was left blank. Mr. Roe said that the contract itself was vague and only stated the acreage amount and did not specify where the property was located. Mr. Roe then stated that his next concern was that where Solid Rock Developers was proposing to place the south entrance/exit to the property was in fact located on property he owned and that was not part of the purchase agreement. Mr. Puckett had Mr. Roe point out the location that Mr. Roe was referring to, which MR. Roe did. Mr. Puckett said he was not aware of the fact and that he assumed that the property was either part of the purchase agreement or was owned by the City. Mr. Davis asked Mr. Roe if that was property that he always owned or was it property that he had obtained from the Ohio Department of Natural Resources in relation to the former abandoned Erie Canal. Mr. Roe said that it was not property from ODNR and that it was property he had always owned. Chairman Corwin asked Mr. Puckett to point out the St. Rt. 104 property on the site plan proposal. Mr. Puckett did so. Mr. Roe again described more specifically the property he owned and re-stated the theory that Solid Rock Developers had an access proposed for the site on property they did not own. Mr. Roe stated that he had considered putting a hotel on the property but that two different people had told him that there was not enough parking. Mr. Roe stated that Solid Rock Developers were proposing 72 units and 72 parking spaces when in fact parking spaces for employees would need to be provided as well. Mr. Roe inquired as to what the Planning Commission required in terms of parking. Mr. Davis of the City stated that the City's regulations on parking were specified in the City Zoning Ordinance but that usually the requirements of the private franchise were often times more stringent than the City's requirements. Chairman Corwin stated that presently the City's Zoning Ordinance set the amount of parking spaces based on the square footage of the building. Mr. Davis stated that this was correct. Mr. Puckett stated that the proposal by Solid Rock on Parking was based on the requirements of "Microtel". Mr. Roe stated that he noticed that all three plans formerly proposed by Solid Rock Developers included the closing down or abandonment of the St. Rt. 104 off ramp by the City. Mayor Reed stated that the most recent site plan as displayed here today did not include the abandonment of the St. Rt. 104 off ramp. Mayor Reed explained to the Audience that the closure of the St. Rt. 104 off ramp would include the developer constructing a right hand turn lane at the signal past the off ramp. Mayor Reed said this was ran by ODOT and discussed internally but that it was never approved by the Planning Commission and was never finalized. Mayor Reed said that with the construction of the "Waverly South Connector" it was a common belief that traffic in the area of concern would be reduced. Mr. Roe stated that there was acreage behind the proposed retaining wall that he and an associate were planning on developing into apartments. He did not think that would work if the retaining wall was constructed. Chairman Corwin stated to the Commission that this was the first real presentation about the proposal to the Commission and that with the ownership question in place after today's meeting he did not see how a decision could be made without clarification of who owned what. Mayor Reed stated he did not see how a decision could be made. Commissioner Demlow asked if someone could clarify to him what the status

of the purchase agreement was. Mr. Demlow stated to Mr. Shienke that it appeared as though the owner was not going to sale. Mr. Shienke stated that there was a purchase agreement but that the date of closing was still up in the air due to an apparent competition situation. Commissioner Demlow stated that the clarification of who owned what property was definitely an issue that had to be resolved. Mr. Shienke stated that the ownership issue was something he was not aware of until this meeting. Chairman Corwin asked if the City had a copy of the latest proposal by Solid Rock. Mr. Davis stated he would coordinate with McCarty and Associates and ask for the latest site plan. Mr. Davis then went on to say that it was important for everyone to understand that it was the City's role in this process to simply make sure that the public did not suffer any safety compromises in terms of development in the City. He stated that the site was commercially zoned so that there was a use issue. He stated that it was now a matter of making sure that storm water was properly addressed, and that access to the property was safe. Commissioner Demlow asked if it would not be proper to table the issue until further information clarifying ownership was presented. Commissioner Demlow made a motion to table the issue until clarification on the ownership issue and an updated site plan if any plan was presented to the Commission by the Developer. The motion was seconded by Commissioner Allen. Roll Call: All Aye.

Commissioner Allen made a motion to adjourn. The motion was seconded by Commissioner Boyd. Roll Call: All Aye. The meeting was adjourned at 4:40 p.m.

These minutes were prepared using an audio recording.

Meeting Minutes

Waverly Municipal Planning Commission

Regular Meeting

January 10, 2007

Municipal Building

APPROVED

The meeting was called to order by Chairman Corwin at 2:05 p.m. Chairman Corwin, Commissioner Allen, Commissioner Demlow and Commissioner Boyd were all present. Also present was Community/Economic Development Director Nathan Davis. There were no audience participants.

Chairman Corwin referred to the Agenda and requested that all commissioners please take a final look at the previous special meeting minutes from January 3rd. Chairman Corwin stated that he had one correction to the previous meeting minutes. Chairman Corwin announced that the minutes referred to the “Amerihost” Hotel when in fact the name was now the “Ameristay”. Chairman Corwin asked if there were any other revisions, corrections or deletions that were recommended for the minutes. Hearing none, Chairman Corwin asked for a motion to approve the previous special meeting minutes with the recommended correction. **Commissioner Allen made a motion to approve the minutes with the recommended correction. The motion was seconded by Commissioner Demlow. Roll Call: All Aye.**

Chairman Corwin referred to the Old Business Section of the Agenda which was obligated to the previous special meeting presentation by Solid Rock Developers concerning a Microtel in the City. Chairman Corwin asked Mr. Davis if there was any update on that situation. Mr. Davis reported he had not heard anything from Mr. Williamson or anyone else of Solid Rock Developers.

Chairman Corwin then referred to the New Business Section of the Agenda which was obligated to the current B-1 and B-2 Zoning District Codes for the City’s Zoning Code. Chairman Corwin then referred to Mr. Davis. Mr. Davis thanked Chairman Corwin and stated that he was proposing to post both the B-1 and the B-2 Zoning District Codes on the screen and read through them. Mr. Davis said that after reading through them he would ask each Commissioner to review the code texts at home and come back to the next meeting with any questions or points of interest that they had concerning the codes text. After making this proposal, the Commissioners agreed with the proposal and asked Mr. Davis to continue.

At this time Mr. Davis posted the B-1 Code on the Screen. He summarized at first stating that each code was introduced by the allowed uses in the district and then further detailed by transitional yard requirements and signage regulations. Mr. Davis read through the following B-1 and B-2 Zoning District Codes word for word as they were posted on the screen:

CHAPTER 1139

B-1 Restricted Business District

1139.01 Permitted uses.

1139.04 Maximum floor area ratio.

1139.02 Conditions of use.

1139.05 Signs.

1139.03 Transitional yards

CROSS REFERENCES

Accessory building and use defined – see P. & Z. 1107.03

Curb level defined – see P. & Z. 1107.18

Floor area ratio in R-3 Districts – see P. & Z. 1129.06

M-1 performance standards applicable to business districts – see P. & Z. 1151.12

Exempted nonconforming use in B-1 District – see P. & Z. 1153.08(b)

Maximum number of parking spaces in B-1 Districts – see P. & Z. 1155.15

1139.01 PERMITTED USES.

The following uses are permitted in a B-1 District:

Air conditioning and heating sales and service.

Amusement establishments: bowling alleys, pool halls, dance halls, skating rinks, swimming pools and other similar places of recreation.

Antique shops.

Art and school supply stores.

Art galleries and studios.

Automobile accessory stores, where there is no driveway entrance across the sidewalk into the main building.

Automobile service stations for the retail sale and dispensing of fuel, lubricants, Tires, batteries, accessories and supplies, including installation and minor service customarily incidental thereto; facilities for chassis and gear lubrication and for washing of not more than four vehicles are permitted only if enclosed in a building.

Automobile sales and service shops, including painting and repairing, but not the painting or repairing of trucks, and accessory auto parts sales as an activity accessory to the principal use.

Bakery shops, including the baking and processing of food products when prepared for retail use on the premises only.

Battery and tire service stations.

Banks and financial institutions, including drive-in teller facilities.

Barber shops, beauty parlors, chiropody, massage or similar personal service shops.

Boat showrooms, sales and service.

Book and stationery stores.

Camera and photographic supply shops for retail sales.

Candy and ice cream shops.

Carpet, rug and linoleum stores.

Catering establishments.

China and glassware stores.

Coin and philatelic stores.

Costume rental shops.

Currency exchanges.

Custom dressmaking, millinery, tailoring or shoe repair shops, when conducted

for retail sale on the premises only.

Department stores.

Drug stores.

Dry goods stores.

Dry cleaning and pressing establishments.

Dwelling units above the first floor of business buildings, provided the floor area ratio is as required in an R-3 Residence District.

Electrical appliance stores and repairs but not including appliance assembly or manufacturing.

Employment agencies.

Exterminating shops.

Florist shops and conservatories for retail trade on the premises only

Food, meat and fruit stores.

Frozen food stores and food lockers.

Furniture stores, and upholstery when conducted as a part of the retail operations and secondary to the main use.

Furriers, when conducted for retail trade on the premises only.

Garages, public, for storage of private passenger automobiles and commercial vehicles under one and one-half tons capacity.

Gift shops.

Government offices.

Greenhouses, retail.

Hardware stores.

Haberdasheries.

Hobby stores.

Hotels and motels, including restaurants and meeting rooms.

Household appliance stores and repair.

Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as a part of the retail operations and secondary to the main use.

Jewelry and watch repair shops.

Launderettes, automatic self-service types or hand laundries.

Leather goods and luggage stores.

Loan offices.

Locksmiths.

Machinery sales.

Mail order establishments.

Millinery shops.

Musical instrument sales and repair, retail trade only.

Newsstands.

Offices, business and professional, including medical clinics.

Opticians, optometrists.

Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.

Package liquor stores.

Paint and wallpaper stores.

Parking lots, open and other than accessory, for the storage of private passenger automobiles, and subject to the provisions of Chapter 1155.
 Pet shops, but not including animal hospitals.
 Photography studios, including the development of film and pictures when done as a part of the retail business on the premises
 Physical culture and health services.
 Plumbing and heating showrooms and shops.
 Picture framing, when conducted for retail trade on the premises only.
 Photo developing and processing.
 Postal substations.
 Public utility collection offices.
 Radio and television repair.
 Restaurants, tearooms or cafes, when the establishment is not of the drive-in type where food is served to occupants remaining in motor vehicles.
 Savings and loan associations.
 Schools: music, dance, business, commercial or trade.
 Sewing machine sales and service.
 Shoe and hat stores, and repairing when done as a part of the retail business.
 Signs, as regulated in Section 1139.05.
 Sporting goods stores.
 Taverns.
 Telegraph offices.
 Telephone exchanges and coin telephones, outdoor.
 Theater, indoor.
 Tobacco shops.
 Toy stores.
 Trailer sales and rental, for use with private passenger motor vehicles.
 Travel bureaus and transportation ticket offices.
 Typewriter and adding machine sales and service.
 Variety stores.
 Wearing apparel shops.
 Accessory uses, including off-street parking and loading facilities as permitted or required in accordance with the provisions of chapter 1155.
 All R-4 General Residence District permitted uses.
 (Ord. 10-16-67. Passed 11-20-67; Adopting Ordinance.)

1139.02 CONDITIONS OF USE.

All uses permitted in a B-1 District, except residence district uses, shall be retail establishments dealing directly with consumers and shall be subject to the following conditions:

- (a) Dwelling units and lodging rooms are not permitted below the second floor.
- (b) All business, servicing or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings.
- (c) There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the premises.

- (d) Such use, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes. (Ord. 10-16-67. Passed 11-20-67.)

1139.03 TRANSITIONAL YARDS.

Where a B-1 District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:

- (a) Where lots in a B-1 District front on the street and at least eighty percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the front yard regulations for the residence district shall apply to the lots in the business district.
- (b) In a B-1 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residence district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Zoning Ordinance for a residential use on the adjacent property in the residence district.
- (c) In a B-1 district, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Zoning Ordinance for a residential use on the adjacent property in the residence district.
- (d) In a B-1 District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be twenty feet in depth, but may begin at a height of fifteen feet or one story above grade, whichever is lower.
- (e) In a B-1 district, where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residence district, a yard of not less than ten feet shall be provided.
- (f) Transitional yards shall be unobstructed from the lowest level to the sky, except as allowed in Chapter 1153. (Ord. 10-16-67. Passed 11-20-67.)

1139.04 MAXIMUM FLOOR AREA RATIO.

The maximum floor area ratio in a B-1 District for a building or buildings on a zoning lot, including accessory buildings, shall not exceed 3:0. (Ord. 10-16-67. Passed 11-20-67.)

1139.05 SIGNS.

The following signs are permitted in B-1 Districts:

- (a) Signs relating only to the name and use of buildings or premises upon which they are placed. Advertising signs and outdoor billboards advertising products or matters not related to the occupancy and use of the premises shall not be permitted.
- (b) Signs attached to a building or buildings shall not project more than eighteen inches from the wall upon which they are attached. Signs must be attached to parapet walls or other wall surfaces made apart of the main structure. Signs erected on a separate superstructure attached to the roof of the building or to any other part of the building above the roof line shall not be permitted. No sign shall

project higher than four feet above the parapet line or the roof line, whichever is higher.

(c) The gross surface area of all business signs on a zoning lot shall not exceed in square feet of area two times the lineal frontage of such zoning lot. Each side of a building which abuts upon more than one street shall be considered as a separate frontage.

(d) For integrated shopping centers in single ownership and management, or under unified control, one additional sign may be erected not to exceed 100 square feet in area, advertising only the name and the location of the integrated shopping center.

Such sign shall be placed so as to be entirely within the property lines of the premises upon which the sign is located and the bottom edge of such sign shall be at least eight feet above the level of the ground and the overall height shall not exceed twenty feet above curb level, or above the adjoining ground level if such ground level is above the street level.

(e) No sign may be painted, pasted or similarly posted directly on the surface of any wall; nor shall any sign be permitted to be placed on any wall, fence or standard facing the side of any adjoining lot located in any residence district. Pennants, flags and other advertising devices shall not be permitted.

(f) Signs attached to or hung from a marquee or canopy shall be completely within the borderline of the outer edge of the marquee or canopy, and shall in no instance be lower than eight feet above the ground or surface over which the marquee or canopy is constructed.

(g) Signs, clocks or other advertising devices erected upon standards or separate supports shall be placed so as to be entirely within the property lines of the premises upon which they are located, and no part of a sign or standard shall have a total height greater than twenty feet above the level of the street upon which it faces, or above the adjoining ground level if such ground level is above the street level, nor shall the surface of any such sign exceed an area of 100 square feet.

(h) No illuminated sign shall be of the flashing or intermittent type. Signs which may be in conflict with public traffic signals shall not be permitted. Illuminated signs shall be shaded so as not to shine on adjacent residential properties.

(i) Highway directional signs and markers, which shall be made and installed in accordance with the specifications of the city, for announcing the location of or directing traffic to given locations which include, but are not limited to, the following:

- (1) Service areas for automobiles, food and lodging.
- (2) Business or business districts.

Traffic or directional signs designating entrances, exits and conditions of use of parking facilities accessory to the main use of the premises, may be maintained provided they are located within the property lines of the subject log. (Ord. 10-16-67. Passed 11-20-67.)

1141.01 Permitted uses.	1141.04 maximum floor area ratio.
1141.02 Conditions of use.	1141.05 Signs.
1141.03 Yards.	

CROSS REFERENCES

B-1 District regulations – see P. & Z. Chapter 1139
M-1 performance standards applicable to business districts – see P. & Z.
1151.12
Maximum number of parking spaces in B-2 Districts – see P. & Z.
1155.15

1141.01 PERMITTED USES.

In a B-2 District the following uses are permitted, provided they are conducted wholly within enclosed buildings, except off-street parking and loading facilities; establishments of the drive-in type offering goods and services directly to customers waiting in parked motor vehicles, and uses specified below as permitted on an open lot:

- Any use permitted in a B-1 Business District.
- Amusement establishments, including permanent carnivals, kiddie parks, golf driving ranges, pitch and putt, miniature golf courses and other similar outdoor amusement facilities.
- Animal hospitals, kennels or pounds.
- Auction rooms.
- Automobile laundries.
- Bakeries, including the sale of bakery products to restaurants, hotels, clubs and other similar establishments when conducted as part of the retail business on the premises.
- Blueprinting and photostating establishments.
- Bicycle sales and repair.
- Building materials sales yards and storage.
- Bus passenger stations and terminals.
- Cartage and express facilities.
- Convention halls.
- Costume rental shops.
- Cutting of glass, mirror and glazing establishments.
- Dry cleaning establishments.
- Exhibition halls.
- Greenhouses, wholesale.
- Laboratories, medical, dental, research, experimental and testing, provided no production or manufacturing of products takes place and provided the performance standards of the M-1 District are complied with.
- Linen, towel, diaper and other similar supply services.
- Live bait stores.
- Model homes or garage displays.
- Monument sales.
- Newspaper distribution agencies, for home delivery.

Parcel delivery stations.
Pawnshops.
Printing and publishing of newspapers, periodicals, books and including letter process work.
Radio and television broadcasting stations.
Secondhand stores and rummage shops.
Schools: commercial or trade, subject to the provisions of the performance standards established in M-1 Districts.
Stadiums, auditoriums and arenas, open or enclosed.
Storage, warehousing and wholesale establishments.
Taxidermist shops.
Undertaking establishments, funeral parlors or mortuaries.
All R-4 General Residence District permitted uses. (Ord. 10-16-67. Passed 11-20-67; Adopting Ordinance.)

1141.02 CONDITIONS OF USE.

All conditions of use in B-2 Districts for permitted uses shall be the same as required and apply in a B-1 Business District. (Ord. 10-16-67. Passed 11-20-67.)

1141.03 YARDS.

All yard regulations in B-2 Districts shall be the same as required and apply in a B-1 Business district. (Ord. 10-16-67. Passed 11-20-67.)

1141.04 MAXIMUM FLOOR AREA RATIO.

The maximum floor area ratio in a B-2 District shall be the same as permitted in a B-1 Business District. (Ord. 10-16-67. Passed 11-20-67.)

1141.05 SIGNS.

All sign regulations for B-2 Districts shall be the same as required or permitted in a B-1 Business District. (Ord. 10-16-67. Passed 11-20-67.)

After reading through these two Zoning District Codes Mr. Davis once again stated that he needed each Commissioner to try and locate any areas that needed update or revision. Mr. Davis stated he would wait for these comments at the next meeting.

At this time Chairman Corwin recognized that there were no audience participants and asked for a motion to adjourn. **Commissioner Boyd made a motion to adjourn and the motion was seconded by Commissioner Allen. Roll Call: All Aye.** The meeting was adjourned at 3:05 p.m.

These minutes were prepared using an audio recording.

Meeting Minutes
Waverly Municipal Planning Commission
Regular Meeting
March 14, 2007
Municipal Building



Chairman Corwin brought the meeting to order at 2:00 p.m. Chairman Corwin, Commissioner Allen, Commissioner Boyd and Commissioner Demlow were all present as well as Mr. Nathan Davis of the City. Chairman Corwin referred to the Agenda and asked if there were any proposed changes, deletions or amendments to the last meeting minutes. Mr. Davis stated that each time a section of either proposed or amended code was addressed in a meeting, the whole chapter was posted in the minutes word for word. Finding no proposed deletions, revisions or additions, **Commissioner Demlow made a motion to approve the minutes, the motion was seconded by Commissioner Boyd, Roll Call: All Aye.**

Chairman Corwin referred to the New Business Section of the Agenda and asked Mr. Davis if there was any update on the proposed development of the Microtel by Solid Rock Developers as presented at the Special Meeting on January 3rd, 2007. Mr. Davis stated he had received no further word.

Chairman Corwin referred to the New Business Section of the Agenda and asked Mr. Davis to go over the item of the B-1 and B-2 (Business) Proposed Zoning District Codes. Mr. Davis stated that he had gone over the existing B-1 and B-2 Zoning District Codes at the last meeting. He stated that since that meeting he had drafted a new B-1 and B-2 Zoning District Code after taking a complete inventory of what presently existed in the B-1 and B-2 areas. Mr. Davis stated that after looking at the existing situation in terms of uses already there, in his opinion he felt the City was better off developing one district code for the Downtown and one for the remaining area that encompassed the US 23 Corridor and outer areas. Mr. Davis stated that in performing the inventory of the existing B-1 he found that most of if not all of the nonconforming uses were simply single family homes that had been constructed well prior to the zoning code being adopted in 1967. Therefore he was proposing to allow single family homes in the new B-1 Downtown Zoning District Code. Commissioner Boyd asked Mr. Davis if there was a present situation with the old Grand Tavern in the downtown area. Mr. Davis stated that the existing zoning code allowed for apartments above the first floor level of the building in the B-1 District and that he had continued with that method in the proposed new B-1 Code. At this time Mr. Davis passed out the proposed new B-1 and B-2 Zoning District Codes to the Planning Commissioners. Mr. Davis stated that the digital projector was not available at this time. At this time Mr. Davis went through the following proposed B-1 and B-1 Zoning District Codes which was presented to and then amended by the Planning Commission in the following format:

CHAPTER 1139

B-1 Downtown Business District

1139.01 Permitted uses.

1139.02 Conditions of use.

CROSS REFERENCES

Accessory building and use defined – see P. & Z. 1107.03

Curb level defined – see P. & Z. 1107.18

1139.01 PERMITTED USES.

The following uses are permitted in the B-1 District provided all components, merchandise, raw materials, equipment and machinery associated with the business are contained within the walls of an enclosed building. Such building shall not be an encroachment upon a City or State roadway, street or right of way:

- Apartments and/or Condominiums, restricted to the second floor level of a building imploring a first floor use listed in Section 1139.01 of this Zoning Code;
- Accounting, Billing or Administrative Office for a corporation, firm, not-for-profit agency, partnership, small business, private or public utility company;
- Accounting Service;
- Auctioneer Setup (See 1139.02(c) CONDITIONS OF USE);
- Animal Feed and/or Agriculture Seed Sales Store;
- Antique Store;
- Art Gallery;
- Attorney's Offices;
- Athletic or Fitness Centers;
- Auditorium (off-street parking required, see chapter 1155);
- Auto Parts Sales;
- Bakery;
- Banks; Cash Services (off-street parking required, see chapter 1155);
- Barber Shop;
- Bar, Tavern or Pub;
- Beauty Salon;
- Bed and Breakfast;
- Book Store;
- Building Supply Store (off-street parking required, see chapter 1155)
- Candy Store;
- Churches, Rectories or places of worship (off-street parking required, see chapter 1155);
- Clock Sales and or Service;
- Coffee Shop;
- Computer Sales and or Service Store;
- Convenience Store; not to include the sale of gasoline or other petroleum's;
- Convenience Store to include the sale of packaged alcoholic beverages;
- Dance Hall or Billiard Tables;
- Dentist Office;
- Doctor's Office;
- Emergency Services;
- Engineering or Surveying Services;
- Financial Investment, Financial Services;
- Flower Shop;
- Funeral Homes, Funeral Services (off-street parking required, see chapter 1155);
- Furniture Store;
- Gift Shop;
- Glass Shop;
- Goodwill Sales or Used items sales (off-street parking required, see chapter 1155);
- Government Services (off-street parking required, see chapter 1155);

Gunsmith and/or Firearms sales;
 Gymnasiums (off-street parking required, see chapter 1155);
 Hardware Store;
 Home Appliance Sales or Service Store;
 Home Entertainment Products Retail Sales and/or Service;
 Home Occupations;
 Ice Cream Shop;
 Insurance Sales;
 Jewelry Sales and/or Jewelry Repair and Service;
 Liquor Store;
 Magazine Sales;
 Massage Parlor;
 Mortgage Company;
 Movie and/or Video Game Rental Store;
 Museum;
 Nail Salon;
 Newspaper Production, Public or Private;
 Office Supply Store;
 Parking Garage or Lot, Publicly or Privately Owned;
 Pawn Shop;
 Pet Sales and/or Pet Grooming Services;
 Pharmacy;
 Printing and Copying Service Store;
 Private Club;
 Public Parks (See 1139.02(c) CONDITIONS OF USE);
 Post Office (off-street parking required, see chapter 1155);
 Real Estate Appraisal Office;
 Realty Office;
 Restaurant;
 Service Club;
 Single Family Home (See 1139.02(b) CONDITIONS OF USE);
 Sporting Goods Sales;
 CONDITIONS OF USE) (off-street parking required, see chapter 1155);
 Tanning Salon;
 Taxidermy;
 Tax Services;
 Travel Agency;
 Toy Store;

1139.02 CONDITIONS OF USE.

All uses permitted in the B-1 District shall be subject to the following conditions:

- (a) There shall be no manufacture, processing or treatment of products that in the opinion of both the City Fire Chief and the Chief of Police cause: objectionable odor, dust, smoke, noise, vibration or other similar causes.
- (b) Single Family Homes constructed in the B-1 District and any lot created for the purpose of a Single Family Home in the B-1 District after the acceptance of this Zoning Code; and any addition to a single family home previously existing in the B-1 District prior to the

acceptance of this Zoning Code, shall be subject to the Lot Size, Yards and Lot Coverage requirements required in the R- 3 District.

- (c) Auctioneer set up, Public Parks and Stadiums are not required to be contained within the walls of an enclosed building.
- (d) All signs erected in the B-1 District shall be subject to the requirements prescribed in Chapter 1145 of this Zoning Code. (Ord. 00-00, Passed: 00-00)

The B-2 General Business District Code was presented to and then amended by the Planning Commission in the following format:

CHAPTER 1141
B-2 General Business District

1141.01 Permitted uses.

1141.02 Conditions of use.

CROSS REFERENCES

B-1 District regulations – see P. & Z. Chapter 1139

Off Street parking required – see P. & Z. Chapter 1155.15

1141.01 PERMITTED USES.

In a B-2 District the following uses are permitted:

All uses allowed in the B-1 District with the exception of Single Family Homes;
ATV Sales and/or Service;
Auto Rental;
Auto Sales and Service;
Apartment and/or Condominium Complex;
Bowling Alley;
Carwash;
Department Stores;
Equipment Rental Store;
Flea Market;
Gas Station;
Grocery Store;
Hospital;
Hotel;
Medical Equipment Sales and/or Service;
Motel;
Motor Cycle Shop;
Movie Theater;
Private Storage Unit Complex;
Tire Sales;
Truck Stop;
Veterinarian Clinic or Animal Hospital;
(Ord. 00-00. Passed 00-00.)

1141.02 CONDITIONS OF USE.

All uses permitted in the B-2 District shall be subject to the following conditions:

- (e) There shall be no manufacture, processing or treatment of products that in the opinion of both the City Fire Chief and the Chief of Police cause: objectionable odor, dust, smoke, noise, vibration or other similar causes.
- (f) Apartments or Condominiums constructed in the B-2 District and any lot created for the purpose of an Apartment or Condominium in the B-2 District after the acceptance of this Zoning Code; and any addition to an Apartment or Condominium previously existing in the B-2 District prior to the acceptance of this Zoning Code, shall be subject to the Lot Area Per Dwelling, Yards and Lot Coverage requirements required in the R-4 District.
- (g) All uses permitted in the B-2 District shall be required to provide off-street parking as prescribed in chapter 1155 of this zoning code. (Ord. 00-00, Passed: 00-00)

Chairman Corwin referred to the New Business Section of the Agenda which covered the quarterly report to City Council. Mr. Davis stated that it was time for the Planning Commission to give a report to City Council. Chairman Corwin stated he would attend the next City Council Meeting in order to give a report.

At this time Chairman Corwin asked for a motion to adjourn. A motion to adjourn was made by Commissioner Allen and seconded by Commissioner Boyd. Roll Call: All Aye. The meeting was adjourned at 3:10 p.m.

These minutes were prepared using an audio recording.

Meeting Minutes
Waverly Municipal Planning Commission
Regular Meeting
April 11, 2007
Municipal Building



Chairman Corwin brought the meeting to order at 2:05 p.m. Present at the meeting was Chairman Corwin, Commissioner Boyd and Commissioner Demlow. Also present was City Community/Economic Development Director Nathan Davis. Chairman Corwin inquired as to the recent resignation of Commissioner Allen. Mr. Davis stated that Commissioner Allen had moved from a residency in Ward 3 to a residency in Ward 2 which made him ineligible to serve on the Planning Commission according to the Commission’s By-Laws. Mr. Davis stated that Commissioner Allen had submitted a letter of resignation and that a citizen from Ward 3 would need to be appointed by the Mayor and City Council to the Commission. Chairman Corwin referred to the last meeting minutes and asked if everyone had reviewed them. After taking a few moments to review the minutes a motion was made by **Commissioner Boyd to approve the March, 2007 meeting minutes. The motion was seconded by Commissioner Demlow, Roll Call: All Aye.** The meeting minutes from March 2007 were approved.

Moving to the Old Business section of the Agenda, Chairman Corwin referred to the proposed B-1 and B-2 Zoning District Codes which were reviewed at the last meeting. Chairman Corwin opened the floor for further discussion or input as to the final drafting of the proposed zoning district codes. It was decided in the discussion to add an allowed use to the business district codes entitled: “Professional Health Services”, which would be intended to incorporate doctors, dentists, massage therapist, chiropractors and physical therapist. The discussion also included the addition of a statement to the “Conditions of Use” section of the B-1 and B-2 District Codes that would prohibit any use locating to the areas that incorporated age discrimination as a requirement of entry to their business establishment. After no further discussion **a motion was made by Commissioner Demlow to approve the B-1 and B-2 Zoning District Codes as drafted with the revisions identified in the present meeting. The motion was seconded by Commissioner Boyd, Roll Call: All Aye.** The B-1 and B-2 Zoning District Codes were approved in the following format.

CHAPTER 1139
B-1 Downtown Business District

- 1139.01 Permitted uses.
- 1139.02 Conditions of use.

CROSS REFERENCES

- Accessory building and use defined – see P. & Z. 1107.03
- Curb level defined – see P. & Z. 1107.18

1139.01 PERMITTED USES.

The following uses are permitted in the B-1 District provided all components, merchandise, raw materials, equipment and machinery associated with the business are contained within the walls of an

enclosed building. Such building shall not be an encroachment upon a City or State roadway, street or right of way:

Apartments and/or Condominiums, restricted to the second floor level of a building imploring a first floor use listed in Section 1139.01 of this Zoning Code;
Accounting, Billing or Administrative Office for a corporation, firm, not-for-profit agency, partnership, small business, private or public utility company;
Accounting Service;
Auctioneer Setup (See 1139.02(c) CONDITIONS OF USE);
Animal Feed and/or Agriculture Seed Sales Store;
Antique Store;
Art Gallery;
Attorney's Offices;
Athletic or Fitness Centers;
Auditorium (off-street parking required, see chapter 1155);
Auto Parts Sales;
Bakery;
Banks; Cash Services (off-street parking required, see chapter 1155);
Barber Shop;
Bar, Tavern or Pub;
Beauty Salon;
Bed and Breakfast;
Book Store;
Building Supply Store (off-street parking required, see chapter 1155)
Candy Store;
Churches, Rectories or places of worship (off-street parking required, see chapter 1155);
Clock Sales and or Service;
Coffee Shop;
Computer Sales and or Service Store;
Convenience Store; not to include the sale of gasoline or other petroleum's;
Convenience Store to include the sale of packaged alcoholic beverages;
Dance Hall or Billiard Tables;
Emergency Services;
Engineering or Surveying Services;
Financial Investment, Financial Services;
Flower Shop;
Funeral Homes, Funeral Services (off-street parking required, see chapter 1155);
Furniture Store;
Gift Shop;
Glass Shop;
Goodwill Sales or Used items sales (off-street parking required, see chapter 1155);
Government Services (off-street parking required, see chapter 1155);
Gunsmith and/or Firearms sales;
Gymnasiums (off-street parking required, see chapter 1155);
Hardware Store;
Home Appliance Sales or Service Store;
Home Entertainment Products Retail Sales and/or Service;

Home Occupations;
 Ice Cream Shop;
 Insurance Sales;
 Jewelry Sales and/or Jewelry Repair and Service;
 Liquor Store;
 Magazine Sales;
 Mortgage Company;
 Movie and/or Video Game Rental Store;
 Museum;
 Nail Salon;
 Newspaper Production, Public or Private;
 Office Supply Store;
 Parking Garage or Lot, Publicly or Privately Owned;
 Pawn Shop;
 Pet Sales and/or Pet Grooming Services;
 Pharmacy;
 Printing and Copying Service Store;
 Private Club;
 Professional Health Services
 Public Parks (See 1139.02(c) CONDITIONS OF USE);
 Post Office (off-street parking required, see chapter 1155);
 Real Estate Appraisal Office;
 Realty Office;
 Restaurant;
 Service Club;
 Single Family Home (See 1139.02(b) CONDITIONS OF USE);
 Sporting Goods Sales;
 Tanning Salon;
 Taxidermy;
 Tax Services;
 Travel Agency;
 Toy Store;

1139.02 CONDITIONS OF USE.

All uses permitted in the B-1 District shall be subject to the following conditions:

- (a) There shall be no manufacture, processing or treatment of products that in the opinion of both the City Fire Chief and the Chief of Police cause: objectionable odor, dust, smoke, noise, vibration or other health and safety issues.
- (b) Single Family Homes constructed in the B-1 District and any lot created for the purpose of a Single Family Home in the B-1 District after the acceptance of this Zoning Code; and any addition to a single family home previously existing in the B-1 District prior to the acceptance of this Zoning Code, shall be subject to the Lot Size, Yards and Lot Coverage requirements required in the R- 3 District.
- (c) Auctioneer set up and Public Parks are not required to be contained within the walls of an enclosed building.
- (d) No business shall be allowed in the B-1 District which incorporates an age requirement as a basis of entry to any section, part or department of such business.

- (e) All signs erected in the B-1 District shall be subject to the requirements prescribed in Chapter 1145 of this Zoning Code. (Ord. 00-00, Passed: 00-00)

CHAPTER 1141
B-2 General Business District

1141.01 Permitted uses.

1141.02 Conditions of use.

CROSS REFERENCES

B-1 District regulations – see P. & Z. Chapter 1139

Off Street parking required – see P. & Z. Chapter 1155.15

1141.01 PERMITTED USES.

In a B-2 District the following uses are permitted:

All uses allowed in the B-1 District with the exception of Single Family Homes;
ATV Sales and/or Service;
Auto Rental;
Auto Sales and Service;
Apartment and/or Condominium Complex;
Bowling Alley;
Carwash;
Department Stores;
Equipment Rental Store;
Flea Market;
Gas Station;
Grocery Store;
Hospital;
Hotel;
Medical Equipment Sales and/or Service;
Motel;
Motor Cycle Shop;
Movie Theater;
Private Storage Unit Complex;
Tire Sales;
Truck Stop;
Veterinarian Clinic or Animal Hospital;
(Ord. 00-00. Passed 00-00.)

1141.02 CONDITIONS OF USE.

All uses permitted in the B-2 District shall be subject to the following conditions:

- (f) There shall be no manufacture, processing or treatment of products that in the opinion of both the City Fire Chief and the Chief of Police cause: objectionable odor, dust, smoke, noise, vibration or other health and safety issues.
- (g) Apartments or Condominiums constructed in the B-2 District and any lot created for the purpose of an Apartment or Condominium in the B-2 District after the acceptance of this

Zoning Code; and any addition to an Apartment or Condominium previously existing in the B-2 District prior to the acceptance of this Zoning Code, shall be subject to the Lot Area Per Dwelling, Yards and Lot Coverage requirements required in the R-4 District.

- (h) No business shall be allowed in the B-1 District which incorporates an age requirement as a basis of entry to any section, part or department of such business.
- (i) All uses permitted in the B-2 District shall be required to provide off-street parking as prescribed in chapter 1155 of this zoning code. (Ord. 00-00, Passed: 00-00)

After the approval of the B-1 and B-2 Zoning District Codes, Chairman Corwin referred to item B of the Old Business on the Agenda which stated "Solid Rock Developers". Mr. Davis stated he had heard nothing from Solid Rock and believed that the issue was dead.

At this time Chairman Corwin referred to the New Business section of the Agenda which was entitled "Quarterly Report to City Council." Chairman Corwin stated that he had given a quarterly report from the Commission to City Council on the evening of March 20, 2007 and that there had been no questions from Council to the Commission at this time.

At this time Chairman Corwin asked if there was any audience participation. Seeing none, Chairman Corwin asked for a motion to adjourn. Commissioner Boyd made a motion to adjourn. The motion was seconded by Commissioner Demlow, Roll Call: All Aye. The meeting was adjourned at 3:15p.m.

These minutes were prepared using an audio recording.

Meeting Minutes
Waverly Municipal Planning Commission
Regular Meeting
May 9, 2007
2 P.M.
Municipal Building



Commissioner Demlow brought the meeting to order at 2:05 p.m. due to the absence of Chairman Corwin who had informed the Commissioner earlier, that he would be late to the meeting. Present at the meeting were Commissioner Demlow and Mayor Reed. Also present were City Community/Economic Development Director Nathan Davis and two audience participants of Mr. Trent Brown and Tyler Anderson.

Commissioner Demlow asked if everyone had reviewed the last meeting minutes. Mr. Davis stated that the minutes had been emailed to all the commissioners prior to the meeting and that a hard copy was attached in the meeting agenda packet for today. Finding no recommendations for corrections, additions or deletions, Commissioner Demlow asked for a motion to approve the minutes. **Mayor Reed made a motion to approve the minutes. The motion was seconded by Commissioner Demlow. At this time Chairman Corwin entered the meeting. Roll Call: All Aye; the motion to approve the minutes carried.**

At this time Chairman Corwin took over control of the meeting. Mr. Davis announced that on the Agenda the Meeting was now on item II, a, old business. Chairman Corwin asked Mr. Davis as to what needed to be discussed concerning the B-1 and B-2 Zoning District Code. Mr. Davis stated that he just wanted to ensure that everyone received the final draft of the B-1 and B-2 Zoning District Codes by email. Everyone stated that they had indeed received them. Chairman Corwin ensured that a vote was not needed; Mr. Davis stated that there was not a need to vote. Chairman Corwin then referred to item II, a of Old Business. Mr. Davis stated that a Ward 3 Commissioner was still needed. Mayor Reed said that he would begin to look for one. Mr. Davis said he would make this a top priority when he returned from Vacation. Mr. Davis said that a good ward map existed on the City Web Site if someone needed to look where Ward 3 was.

At this time Chairman Corwin referred to Item III under new business of the Agenda, which was the Parkview at Canal Crossing Subdivision Easement Plats. Mr. Davis stated that 3 years ago the Planning Commission approved the Subdivision Plat for the "Parkview at Canal Crossing Subdivision", as prepared by the Armbruster Family Trust. This subdivision was described as being a 21 lot single family home subdivision that had since developed and sold the first 7 lots. Mr. Davis stated that now the developer was proceeding with the development of lots 8 through 15. Mr. Davis explained that formerly there was a sanitary sewer line and easement that cut across the buildable area of lots 7, 8, 10, 12 and 14 coming from the right of way of St. Rt. 335. This sanitary sewer line had been moved by a contractor hired by the Armbruster Family Partnership; and a new line was installed adjacent to the right of way of Armbruster Parkway. This work was also paid for by the Armbruster Family Trust. The work was preformed in order to create a more orderly layout of sanitary services for the subdivision that did not cut through the middle of lots causing building and service problems. Mr. Davis stated that now that the line was installed, the old easement needed to be abandoned and a new easement for the line's new course of travel needed to be approved by the City and recorded. Such plats, conveyances, and legal descriptions were made available by the Armbruster Family Partnership and were ready for approval by

the Planning Commission. Mr. Davis also stated that one of the plats and descriptions made available for approval today contained a legal description and plat of the additional storm water easement needed to properly drain lots 8, 10, 12, 14, 16, 18 and 20 of storm water runoff.

Commissioner Demlow asked for a clarification on the plat as to exactly where the new sanitary easement was being placed. This was done so by both Chairman Corwin and Mr. Davis. Commissioner Demlow asked about a certain line and description on the large plat. Mr. Davis stated that the area in question was the new storm sewer easement to be dedicated to the City in order to allow for a drainage area of storm water runoff coming off the hill towards the back of the lots.

At this time Richard Demlow made a motion to approve the new sanitary sewer and storm water easements as described in the plat entitled: "City of Waverly Modifications to Phase 2 Portion of the Final Plat for Parkview at Canal Crossing". The motion was seconded by Mayor Reed. Chairman Corwin asked for any further discussion. Finding none a roll call was called: All Aye. The motion carried. At this time Commissioner Demlow made a motion to approve the release of easement entitled for the formerly used sanitary sewer easement that crossed lots 7, 8, 10, 12 and 14 of the Parkview at Canal Crossing Subdivision. The motion was seconded by Mayor Reed. Chairman Corwin asked for further discussion. Finding none a roll call was called: All Aye. The motion carried.

At this time Chairman Corwin asked for any audience participation. Finding none, a motion to adjourn was requested. A motion to adjourn was made by Commissioner Demlow. The motion was seconded by Mayor Reed. Roll Call All Aye. The meeting adjourned at 3:00 p.m.

These minutes were prepared using an audio recording.

Meeting Minutes
Waverly Municipal Planning Commission
Regular Meeting
July 11, 2007
2 P.M.
Municipal Building

APPROVED

Commissioner Mike Corwin brought the meeting to order at 2:00 p.m. Present at the meeting were: Commissioner Corwin, Commissioner Demlow, Commissioner Boyd and Commissioner Roberts. Also present at the meeting was City Community/Economic Development Director Nathan Davis and audience participant Lynn Downey. Commissioner Corwin referred to the agenda and welcomed new Ward 3 Commissioner Edward Roberts. Commissioner Corwin then inquired if all Commissioners had received the May 9, 2007 Minutes. Mr. Davis stated that everyone should have received them by email. Commissioner Roberts stated that he had not received so a hard copy was provided to him by Mr. Davis. Mr. Davis then displayed the May 9, 2007 Meeting Minutes on the projector screen and summarized the minutes by stating that the last meeting mainly consisted of the abandonment of an unused sanitary easement in the “Parkview at Canal Crossing” Subdivision and the approval of two new easements to be granted to the City for the same subdivision for the purposes of sanitary and storm sewer services that were constructed by the Developer Mr. Dan Armbruster. Commissioner Corwin requested if there had been any old business discussion during the last May meeting. Mr. Davis said that there had been discussion of the proposed new B-1 and B-2 Zoning District Code which was finalized by the Commission. Mr. Davis stated that the next meeting would include the review of the proposed new Industrial and Manufacturing District Zoning Code. Mr. Davis stated that the existing Manufacturing Zoning District Code was very complex and contained many pages. The new draft that he would be bringing forward to the Commission in August was only a few pages in length. **At this time a Motion to approve the May 9, 2007 Meeting Minutes was made by Commissioner Demlow. The motion was seconded by Commissioner Boyd. Commissioner Corwin asked if there was any discussion. Hearing none Commissioner Corwin called the Role: All Aye. The motion carried.**

Commissioner Corwin referred to the Old Business section of the Agenda. Mr. Davis stated that there was not any old business listed. Commissioner Demlow inquired to the Microtel that had been proposed by Solid Rock Developers Inc. approximately a year ago at the intersection of St. Rt. 104 on property owned by Randall Roe. Mr. Davis stated that the proposal was dead, as it was known that Mr. Roe and was not entertaining offers from other potential buyers for the same parcel of property.

Commissioner Corwin referred to the New Business section of the Council Agenda. The Agenda listed the new business section as “Election of Officers”. Mr. Davis explained that in the Commission’s By-Laws (City Ordinance 39-2005) two (2) officers for the Commission are elected annually in the meeting the May. Since this was not performed in May and the June meeting was cancelled, election must proceed with this meeting. Mr. Davis also stated that the two officer positions up for election were Chairman and Vice Chairman. Mr. Davis said the Commission’s By-Laws also stipulated that only commissioners who had been serving on the Commission for at least one year were eligible for nomination. Commissioner Corwin asked if there were any nominations for Chairman and Vice Chairman. **Commissioner Boyd made a motion to nominate Commissioner Corwin for Chairman and Commissioner Demlow for Vice Chairman. The motion was seconded by Commissioner Demlow. Commissioner Corwin asked if there were any other nominations. Hearing none,**

Commissioner Corwin asked that the nominations be closed. Commissioner Demlow made a motion to close the nominations. Commissioner Boyd seconded the motion to close the nominations. Chairman Corwin asked for discussion. Hearing none Commissioner Corwin called the Role: All Aye. The motion to close the nominations carried. Commissioner Corwin asked if there was any discussion as to the motion made by Commissioner Boyd to nominate Commissioner Corwin for Chairman and Commissioner Boyd for Vice Chairman. Hearing none, Commissioner Corwin called the roll: All Aye. The motion to elect Commissioner Corwin as Chairman and Commissioner Demlow as Vice Chairman carried.

Chairman Corwin referred to the New Business section of the Agenda entitled “Review of Comprehensive Plan”. Mr. Davis stated that he wanted to review briefly for Commissioner Roberts what the Commission has been accomplishing over the last 2 years since its official reorganization. Mr. Davis then explained that the Commission had taken the task outlined in the City Charter in terms of preparing an overall development plan for the City. The Commission had constructed this plan to be in the format of 5 separate components. These components were:

- The Comprehensive Plan Text, which listed the goals and objectives of the City in terms of land use;
- The City Master Plan Map, which illustrated the future planned developments within the City;
- The City Zoning Ordinance which regulated the use, location and density of all private property in the City;
- The City Subdivision Regulations which regulated the public improvements required and general layout of all future subdivisions in the City;
- The Capital Improvement Report which illustrated a 5 year plan as to what public streets, sewers, water and sewer systems would need repair or replacement over the next 5 years;

At this time Chairman Corwin asked if there was any audience participation. Mr. Lynn Downey was in attendance of the meeting and wished to express his concerns with the City planned addition to Walnut Street Park in the form of a skateboard park. Mr. Downey expressed adamant opposition to the skateboard park and claimed that the activity would be too close to a residential area.

At 3:05 p.m. Commissioner Demlow made a motion to adjourn. This motion was seconded by Commissioner Boyd. Chairman Corwin Called the Role: All Aye. The meeting was adjourned at 3:05 p.m.

These minutes were prepared using an audio recording.

Meeting Minutes
Waverly Municipal Planning Commission
Regular Meeting
September 12, 2007
2 P.M.
Municipal Building



Chairman Corwin began the meeting at 2:25 p.m. Commissioner Roberts and Mayor Reed were not present. Mr. Nathan Davis, the Community/Economic Development Director for the City was present. There were no audience participants. Chairman Corwin asked if everyone had reviewed the last meeting minutes from July 11, 2007. Everyone acknowledged that they had reviewed the minutes. Commissioner Demlow made a motion to approve the minutes as submitted. The motion was seconded by Commissioner Boyd.

Chairman Corwin referred to the Old Business section of the Agenda which had no business listed. Commissioner Demelow inquired to Mr. Davis as to the potential for development of the eight lots on the South side of Armbruster Parkway abutting up against Bristol Park. Mr. Davis stated that as far as he knew, Mr. Armbruster had every intention of developing those lots. Mr. Davis stated that the lots would have to be elevated to be above the grade level of the street, and they would be last to develop, but they would indeed eventually develop.

Chairman Corwin referred to the New Business section of the Agenda which was listed as: Proposed MI-1 Zoning District Code. Mr. Davis explained that the code before the commission was simply the draft for the new Manufacturing/Industrial Zoning Code. Mr. Davis displayed on the table the existing Zoning Map for the City and pointed out how presently, the City possessed three different types of zoning districts for Manufacturing, each with distinct difference as to what type of manufacturing was allowed. Mr. Davis explained that he was proposing simplifying the code to only have one Manufacturing/Industrial Zoning District. Mr. Davis explained that a lot of the area on southern US 23 that was presently zoned for manufacturing had developed over the years into retail use. Mr. Davis said this was something that the Commission would have to take a look at when the actual re-zoning boundaries were drawn down the road. Mr. Davis pointed out that the draft code was sitting before each commissioner in hard copy form today. Mr. Davis read aloud the section in the code that pertained to what types of manufacturing would be allowed and under what conditions. Mr. Davis also explained the section of the code that pertained to what retail uses would be allowed in the Manufacturing/Industrial Code. Mr. Davis said that all of the existing retail uses that were presently in the Manufacturing areas of Waverly today would be allowed in the new code. Chairman Corwin inquired as to the area of town just south of Wal-Mart. He was wondering where the corporation limits stopped. Mr. Davis explained where the corporation limits stopped south of Wal-Mart on US 23. Chairman Corwin observed that the use would encompass Wal-Mart was not in the listed allowed retail uses of the MI-1 code. Mr. Davis made a note to include: "Department Stores in the Manufacturing/Industrial Zoning Code as an allowed use. Commissioner Demlow inquired about the conditions of use drafted in the new code. He stated that the restriction set on "smoke" might be too restrictive. Mr. Davis acknowledged that indeed this might be true. After a statement by Commissioner Boyd that the EPA will review all emissions discharged by a proposed industry, the Commission agreed on revising the restriction of conditions to reference the Environmental Protection Agency as the authority on emission allowed in Waverly. After no further discussion Chairman Corwin asked if there was any audience participation. After hearing

none, Commissioner Boyd made a motion to adjourn. The motion was seconded by Commissioner Demlow and the meeting was adjourned at 3:25 p.m.

These minutes were prepared using an audio recording.