Pursuant to notice, the Zoning Board of Adjustment of the City of St. Joseph met in the Council Chamber, City Hall, on Tuesday, April 23, 2019 at 4:00 p.m.

<table>
<thead>
<tr>
<th>Name</th>
<th>Members’ Term Attendance (Mtgs attended-mtgs absent)</th>
<th>End of Current Term of Office</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MEMBERS PRESENT:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G. Brent Powers</td>
<td>23-3</td>
<td>2/22/21</td>
</tr>
<tr>
<td>Jeff Penland</td>
<td>24-4</td>
<td>5/12/19</td>
</tr>
<tr>
<td>Byron Myers Sr.</td>
<td>13-7</td>
<td>2/23/19</td>
</tr>
<tr>
<td>Joe Morrey, Alternate</td>
<td>3-14</td>
<td>12/21/20</td>
</tr>
<tr>
<td><strong>MEMBERS ABSENT:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Terry Hall</td>
<td>25-2</td>
<td>6/22/20</td>
</tr>
<tr>
<td>Terri Lowdon</td>
<td>14-2</td>
<td>3/14/21</td>
</tr>
</tbody>
</table>

Four members constitute a quorum (Four votes required to approve a request).

**OTHERS PRESENT:** Nic Hutchison, City Planner
                    Amber Lattin, Assistant City Planner
                    Bryan Carter, City Attorney
                    Ted Elo, Assistant City Attorney
                    Rebecca Shipp, Executive Secretary

Powers called the meeting to order at 4:07 pm.

(Verbatim transcript starts)

Powers: Good afternoon. My name is G. Brent Powers and I am the Chair of the Zoning Board of Adjustment. I’m going to call this April 23, 2019 meeting to order. I’m now admitting into evidence Chapters 11, 26 and 31 of the Code of Ordinances of the City of St Joseph. May we have a roll call please?

Present-4, Absent -2

Powers: Alright, we do have a quorum on the issue that is presented before us will require all four members to vote in the affirmative in order for it to be approved. Before we begin the following rules of conduct have been adopted by this board: if you’re going to speak, anyone, I’m going to place you under oath; when you’re at the microphone please give your name and complete address; no one may speak more than twice on the same item; no one may speak more than ten minutes at a time without permission from the Chair; no one may speak a second time on a question until everyone who wants to speak has done so; and all submissions of evidence, in other words, photos, drawings, will be retained by the Board of Adjustment and will become a part of the permanent file. What that really means is if you hand it to us we will not hand it back. It becomes part of the file. So, don’t hand it to us unless you want us to keep it. We are required by law to keep it.
Powers: Uh, at this time I uh, move that we uh, adjust our agenda and do our routine business after we, uh, hear item #2472. Any objections?
*silence for board members*

Powers: None? That’s what we’ll do then. At this time I will call, as soon as I find it, case #2472 which is a request for a variance from Section 31-031 (e)(5)(b) and Section 31-403 (2) (6) and any and all other sections of Chapter 31 of the Code of Ordinances necessary to allow 4 vehicle, 4 vehicle stacking per drive thru lane and a reduction in landscape requirements. The location is 1106 South Belt. Uh, and the petitioner is Douglas Hutton.

Powers: Uh, does the City, uh, have

Lattin: yes

Powers: a position on this request?

Lattin: We do. Uh, do you want me to do the staff report?

Powers: Uh, yeah, give us the staff report. You can, you can make it brief. We can read it.

Lattin: Sure, okay. Uh, the subject property is zoned C-3 Commercial District. Uh, Dunkin Donuts is wanting to develop a second location there. Um, the variance would be to uh, reduce the requirement for drive thru or drive up services to accommodate a minimum of eight vehicle stacking spaces per lane. Uh, it would also be to request a variance from landscaping and general standards to modify the criteria required. Uh, staff does recommend approval and the applicant is here today.

Powers: Okay. Thank you. Is there anyone here who wished to speak on behalf of the proposal? In fact, if anyone else is gonna speak, please raise your hand and we’ll swear you all in en masse. Just gonna be you Mr. Holland? Two, maybe three, four? You all swear to tell the truth, the whole truth and nothing but the truth?

*audience members respond yes*

Powers: State your name please and your address

Holland: My name is David Holland. I live at 700 Observation Drive here in town. Um, we’re requesting a variance for the drive thru lanes because we’d like to put in a double drive thru lane. Which if, if we don’t have to have eight cars in line, if we can drop it down to six with two lines, we could put 13 cars on the lot instead of nine. So, fewer cars on the street is better for us. We could provide better, faster service that way and uh, that’s, that’s why we’re requesting that variance. As far as the uh, landscaping goes, I’m not sure we’re gonna need it after reading the Code. Our building is gonna be 650 sq. ft. so that’s half a tree I think. So we’ll put bushes in, around that.

Powers: Anyone have any questions?

Holland: Questions?

Morrey: I have a few. Um, that present site has ingress and egress both from Seneca and the Belt Highway

Holland: That’s correct

Morrey: Does your site plan anticipate closing the Belt Highway?
Holland: Uh, we’re not gonna close the Belt Highway, but we want to make it a right turn only off of the lot. So ingress would be off of Seneca and egress if you want to turn right off

Morrey: Otherwise you’d proceed back to the front of the lot towards Seneca to turn right

Holland: Uh, if you turn right, you’ll go out onto the Belt. If you want to turn left you’d go out where you come in and turn left onto Seneca.

Morrey: You have to navigate or negotiate through traffic coming off the Belt to turn left on Seneca to go west. And you’d have to await traffic coming in from the North and South to make a left turn onto the Belt Highway. Correct?

Holland: Um, the left turn on the Belt Highway would be off of Seneca Street.

Morrey: That’s what, that’s what I’m now referring to

Holland: Okay

Morrey: So if you went to the front of your lot to turn left you’d have to wait for whatever traffic was coming onto your lot to turn left

Holland: Yes sir

Morrey: And then to turn North on the Belt you would have to wait for whatever traffic was passing and or coming in to your lot

Holland: Yes

Morrey: Okay. Do you have any traffic studies on how that would work?

Holland: Uh, we have done car counts. Um, it will be easier to get in and out of that location than it will be the one at Belt and Frederick.

Morrey: Why is that sir? Why is it so difficult to get out of the one on the Belt and Frederick?

Holland: There’s more traffic at that intersection

Morrey: And the intersection you’re referring to is the Belt and Frederick?

Holland: Yes. Belt and Frederick there’s, that’s what the number one intersection in town.

Morrey: I’m fully aware of that

Holland: Car counts are higher there than they are on South Belt

Morrey: Let the record reflect I voted against that location because of that very factor.

Holland: I recall that
Morrey: The extreme concentration of traffic another cut, another ingress and egress which you just said was a problem. Correct?

Holland: No it’s, it’s not really a problem. I mean, it, it, it was a potential problem but I

Morrey: What was your traffic, what is your traffic count there at the North Belt?

Holland: I believe it was 1200 and some cars

Morrey: Well, let me rephrase that, what is your anticipated customer, well, you know what it is. How many cars come on your lot there?

Holland: In the course of a day we get um, about 72 cars an hour. We do not anticipate that kind of volume at the South store. We’ll have a very limited selection of donuts. People will not be coming inside. And we will mostly be serving drinks. Drinks are very quick to prepare where donuts to pick are not. So, we anticipate getting cars through in 40 seconds. Where, at the other location, it’s 50 seconds. So, it’s a substantial change in time.

Morrey: The uh, number of hours is 72 cars an hour at North Belt. How many hours of operation do you anticipate

Holland: I beg your pardon?

Morrey: How many hours are you open on the North Belt?

Holland: Well, those, those hours where we’re really busy like that is from seven to ten in the morning. After that, it’s, the car count goes way down. Those are our, that’s our busy time seven to ten in the morning.

Morrey: Okay, let me rephrase the question. How many, on average, per hour per day cars do you have on the North Belt?

Holland: Well, I can tell you from seven to ten it’s about 72 cars an hour.

Morrey: And you don’t know for the rest of the day?

Penland: The packet says 350 cars per day

Morrey: That’s what their proposing for the new location. I’m just trying to compare apples to oranges. Do you know?

Holland: Do I know at the proposed location? No sir.

Morrey: The remaining hours of the day?

Holland: Probably in the 20 to 30 category.

Morrey: And how many hours a day are you open on North Belt

Holland: We’re open 24 hours a day.
Morrey: So you see over a thousand cars a day there?

Holland: At the North location?

Morrey: Yes sir

Holland: Now, 23 cars an hour is not an average for the 24 hours. That’s during the afternoon. At, at night, once we get up to eight or nine o’clock at night, we’ve got a handful of cars an hour.

Morrey: I just simply took your numbers and 72 times three.

Holland: Uh-huh

Morrey: 30 times the remaining 21 hours is over a thousand cars. I’m just asking

Holland: Well, well I think, I wish I had a little more of uh, preparation for that. The car counts are different all day long. And when I say 23 I’m talking from

Morrey: Okay

Holland: Probably ten til five o’clock

Morrey: You can

Holland: in the afternoon and then from 5pm to 5am we’re probably talking maybe a half a dozen cars an hour.

Morrey: Okay so, if I take the numbers you gave me you’re telling us you anticipate 350 cars a day at this proposed site? What did you base that on?

Holland: Uh, the fact that we anticipate doing about half the business down here and be a little more drive thru so just interpreting(sic) that down.

Morrey: Okay, okay. Maybe staff can inform me, I’m gonna ask you, why are you asking for a variance to the requirement that in these provisions need be for an eight stack car count when you say that you could do nine in a single lane as it is? What am I missing?

Holland: Well, we, we can either put; if we have a single car stack to meet the eight car requirement then we can have nine cars off the lot at a time.

Morrey: Off the street?

Holland: Yes. If we do two cars two lanes, we can’t put eight cars in each lane; we can only put six plus one. So we can put 13 cars on the lot if we have a two car stack with fewer cars in a lane.

Morrey: Let me ask again, if you can get nine on your lot in a single line stack, and the ordinance requires eight, why do you need a variance? Somebody can help me, I’m sure

Holland: We would like to make sure that we keep as many cars off of Seneca Street as we can.

Morrey: Well, I’m sure the City can answer that also and that’s why the requirement exists that you’d be able to
get at least eight off the street at a given time. Is there some requirement to get more off? To get more

Hutchison: Correct. So the code requires eight vehicle stacking per drive thru lane. And that is from the window where the business is conducted back to the menu board. They have to have a total of eight vehicles in the cue. They have added a second lane that will have a cue of four vehicles. This is to increase the capacity for the drive thru service. The code was written prior to the technology that is available which allows for the dual drive thru service and so in many locations the eight cue per drive thru lane is not feasible. Uh, we run into this situation a lot with banking operations as well cause technically every drive thru outlet would have to have a cue of eight vehicles. So, we have, you know, banking services that would request a similar variance.

Morrey: Nic would you give that definition one more time? So we’re all understanding, the eight stack has to be between what and what?

Hutchison: The eight vehicle stacking is based off of one drive thru lane which the drive thru lane is a measurement from the window where the business is being conducted and the menu board.

Morrey: Okay, so you’re talking about a captive patron at that point. They’ve ordered and they’re in a cue to get their order. I thought the cue involved a line off the street as I think we’re hearing here. Are you saying that correctly that it’s past the order window? Cause they’re all going I presume, they’re ordering on one side of this building and picking it up on the other. Is my assumption correct?

Holland: I think what we need is, the drive thru window where you’re gonna pay for your merchandise after you’ve been through the menu board and ordered, you can have that car plus seven more in your stack is the, the minimum. So, if we have that eight car stack and we do a second drive thru lane there’s only room in that second drive thru lane for five cars. So, if you have a second drive thru lane it, you, it does not meet City code because there’s only five cars in a lane and that’s where we would like the variance is we would like to be able to put both lanes on it so that we can put 13 cars in line so traffic does not back out on Seneca.

Morrey: I’m gonna ask the question, maybe to clarify, does the staff terminology include cars on his lit that have not gone through the order window yet?

Holland: That’s correct

Morrey: That’s not what they told us but I’m gonna ask for clarification

Hutchison: The code reads all uses providing drive thru or drive up services shall accommodate a minimum of eight vehicle stacking spaces per lane. This requirement may be modified by the planning commission should the applicant provide substantial proof in the form of a comprehensive study demonstrating the requirement should be less than eight vehicle stacking spaces. Stacking lanes shall not disrupt access to required parking spaces and shall function independently of parring aisles.

Holland: There’s, there’s an example in town I can give you uh, if you’ve been through Freddy’s Fast Burgers they have a double stack lane and that’s what we’re talking about putting in

Morrey: I guess the question that I’m asking staff is, is the stack that we’re being called upon to determine whether or not this lot can handle whether it’s a single or a double stack refers to the cars that would be in line to order or to get their product?

Myers: Who are you asking? The staff or Mr. Holland?
Penland: I think he’s asking staff.

Morrey: Because that’s what I think is most important is how they interpret the requirements for it

Hutchison: So, eight vehicle stacking per lane

**inaudible Hutchison and Morrey speaking at same time**

Morrey: Is the count after they’ve ordered and behind the building and already there? Is that part of the stack?

Hutchison: It’s, it’s, so it’s based off the number of lanes and staff measures it from the drive thru window to back so they have to have eight vehicles in the lane. Adding a second lane adds the additional eight for the requirement.

Morrey: Okay, It doesn’t have an additional eight. It has an additional four because they become one at that point. And I, I think the doubling up is their means of accomplishing compliance. I think the variance speaks to they want to be able to use that to satisfy the single lane requirement

Holland: Can, can I offer you a picture?

Myers: *inaudible*

Holland: Can I offer you a picture that will help?

Penland: We’ve got that same photo

Holland: Okay. Well, it, it, we do meet the requirement with one lane. But our point is that

Morrey: I, I haven’t heard that from Nic yet

**inaudible—applicant stepped away from podium/microphone**

Elo: Everyone speak loudly so that the recording can be sufficient

Holland: The stack starts here. This is where you pay for your product. This is where you order it. And the stack is one, two, three, four, five, six, seven, eight, nine which we’ve met the City requirement there. But what we would like to do is put 13 cars on the lot because that’s better than nine. And that means we have to have a lane with only four cars in it and according to the code we have to have eight cars. Okay

Morrey: Yes and I completely understood that. In fact, if you remember, that was the first question I asked you. What’s your request for a variance if you can already stack nine? Do you remember me asking you any of that?

Holland: Yes sir

Morrey: Okay, so

Holland: My point is that we’d like to put more cars in

Morrey: I don’t think they’ll have a problem with that, they recommended it. I simply wanted a clarification of the definition of stack. Yours and mine doesn’t control, there’s does
Holland: Understood

Morrey: I don’t know if it’s the first window or the second window. I’m just looking for clarification.

Holland: Can I answer any more questions for you?

Penland: No, I think you’ve done a great job of answering questions. Appreciate your time.

Holland: Thank you.

Powers: Yes, thank you. Anybody else wish to speak? Does staff have anything to add?

Myers: Call for the question

Shipp to Powers: We still need to have opposition speak

Powers: Oh yeah, we do

Myers: No one’s responding so I’d call for the question

Powers: Give me some time Byron

Powers: Uh, have the required notices gone out to the adjacent property owners

Shipp: Yes they have

Powers: Okay. Did we have responses back?

Shipp: No we did not

Powers: Alright.

Morrey: I have one other question. Um, I think, of the applicant. Do you mind sir?

Holland: Sure

Morrey: Um, it says the applicant acquired the property assuming development would be based off the building setbacks. What did that mean? If you know

Holland: Uh, I’m not sure. Can you help me with that? *speaking to audience member*

**inaudible response**

Holland: So, so you want to know the setback?

Morrey: No, no I don’t. I just want to know what that statement meant. Did you have to alter the site plans somewhat when you found out the setbacks were different than anticipated?

Holland: Uh, everything is subject to change in the design, yeah
Morrey: Okay
Penland: Joe, where are reading that in the packet? What page?

Morrey: Number three of the findings standards for variances right above staff recommendation

Penland: Alright, Number three?

Morrey: Yeah. And whatever hardship is being referred to there they said it was because they assumed development would be based off the building setback. I was wondering if they intended to put the building further back or closer or something that would’ve allowed a conventional eight lane stack

Hutchison: What, what that statement is referring to is that the development would be possible based off of meeting the setback requirements.

Morrey: Would be possible?

Hutchison: Correct

Morrey: Why are we here? What? If they can put a nine lane stack up, what, what is the problem?

Hutchison: Because

Morrey: Why do they need a variance?

Hutchison: Because they’ve added the second drive thru lane.

Penland: But it all goes to a single line

Morrey: It’s the same lane

Hutchison: Correct

Morrey: It’s a feeder. It’s, it’s just people sitting on his lot and they’re gonna get in a line. The line is nine cars long, isn’t it? Independent of the alley, if the depiction of the size of the cars is accurate.

Holland: I think the issue is that each lane needs to have an eight car stack. So we have one 9-car stack lane and one 4-car stack lane and so we’d like the variance to allow the 4-car stack lane.

Penland: But do, do not your four cars feed into the same stack?

Holland: Yes, ultimately

Morrey: It’s not really a lane, sir

Penland: Yeah

Powers: Alright. Any other discussion? I do have one more question. This would be a safer procedure at least if you were to put 16 cars on your lot or excuse me, nine, nine plus four, 13?
Holland: Yes, sir, absolutely

Powers: It would be less cars trailing out

Holland: Cars off the street is always good

Powers: Alright. And you can’t put another eight stack because you don’t have room. So you want a four stack, correct?

Holland: Yes

Powers: Alright. Any more discussion?

Penland: I think you had some more folks that wanted to speak in the audience

Powers: Is there? Anyone else want to speak? Anything to add

Penland: Yeah, Ronnie

Powers: Okay, great. State your name please and your address.

Stevenson: Ron Stevenson-2214 Westminster Lane. I own uh, the building right behind where they’re wanting to put in House of Sound. The only, I don’t have anything against what they’re trying to do. I would just like to make a mention that I would like to have a fence behind his building in between my building and his building. About eight foot tall.

Holland: I told him we agree to that

Powers: Alright. We don’t have any, that’s not a question we would be able to decide one way or another but

Stevenson: Well I just wanted to say that.

Powers: Well, I think, I saw a head nod behind you so I think you, I think you got it. Thank you very much.

Shipp: May I have, may I have your name again please

Powers: We didn’t catch your name

Penland: That’s the illustrious Ronnie Stevenson,

Powers: Stevenson

Penland: Very popular in the Southend. Matter of fact he probably could have been Mayor if Southend would’ve succeeded from the City

*laughter*

Powers: Anyone else? Alright. No more discussion. All requirements met. Do you want to call the question?

Myers: Yes I would

10
Powers: Alright.
Hutchison: Hold up one moment.

Penland: You stumped them Joe

Hutchison: So, if the recommendation is going to be for denial we would need to have the denial be based on the interpretation of the code being based off of the staff application and then the item would be approved administratively. Or it would be if it’s approval, yeah

Carter: I’m going to give this a shot. Um, essentially staff issued a recommendation based upon an interpretation that a lane is where a menu board is. Uh, it sounds like you’re discussing an interpretation under which a lane is defined by the number of windows that they can drive up to. If the uh, board determines uh, essentially determines, that staff interpretation was incorrect. Your interpretation um, that a lane is based upon the number of windows that are available and you can deny it for that purpose. If you make clear that uh, that you’re doing it for that purpose, that you’re doing it with the under the interpretation that it’s not necessary, that this approval is not necessary because a lane is defined by the windows, then Nic would have the uh, Nic and Amber would have the ability to uh approve it administratively.

Myers: And make their decision versus ours?

Carter: Correct. Where if your making your decision based upon a different interpretation uh, planning could then uh, apply your interpretation uh, as if it was the um, excuse me, apply your interpretation to approve it administratively.

Powers: I don’t know that we can, we can do that as a I mean we’re in, all voting individually and my vote has nothing to do with whether it’s going, whether it’s a window or not. Adjacent to the window, or ordering cue, so uh,

Carter: That’s essentially

Powers: And I don’t know what these guys are thinking either. But I, I, I get what you’re saying finally

Morrey: What would happen if the application were withdrawn? Could you all interpret legally that it is a window

Penland: To administratively make the

Morrey: Make the administrative decision. There’s obviously no opposition here.

Morrey: It may establish a concerning precedence if we allow four stack lane if that’s what we’re theoretically possible doing here.

Powers: Legally we don’t establish any precedent in these hearings Joe

**audience member asked if he could speak—away from podium**

Shipp: At the microphone

Powers: Go to the microphone, state you name and address please
Gregory: John Gregory-3510 W Lantern Lane. And I’m owner/operator of House of Sound. Just before I even make a comment, I just want to make sure if the sole purpose for this meeting is just to discuss the, the double stack or is it any concerning where they’re having the right turns any of the other traffic issues

Powers: None of that is

Gregory: Is that being discussed? Or will that be debated, er,

Powers: None of that is before us. The only issue is the variance request

Gregory: Okay

Powers: We don’t approve anything *inaudible* the only issue we have in front of us is the request for the variance.

Gregory: So will all that come at a later date or is that all

Powers: Not before us unless it requires a variance

Gregory: Okay

Powers: We’re not, we’re not that body.

Gregory: Alright. I just heard where they had to do a traffic study. It’s, I didn’t really hear

Powers: Yeah, might be Planning and Zoning.

Gregory: Okay. That, that was my next so, just the double stack, the property line and all that it’s not concerning

Powers: Correct

Penland: If we could, if we could kinda explain they’re, they’re submitting a variance for what, what they, staff determined the code. What we’re debating is, is that variance even needed.

Gregory: Okay. I just, when I got this notice of this I just wanted to make sure that I mean I’ve had questions on it

Penland: Sure

Gregory: And I didn’t know if those got addressed at since we’re at the, the adjacent property.

Penland: Ted does this action go on here or does this go on to Planning and Zoning

Gregory: And will we be notified like the property owners of just the normal discussion

Elo: I’m not certain I understand your question. If you’re worried about a traffic count, it’s a Public Works issue. Um, and, and, and they uh, they would be responsible for that. The applicant also in their request has to have uh, has to make a narrower sidewalk on the Belt Highway from seven feet to five feet. That’s not before 12
this board at this time because Public Works has to render a decision on that. It’s not a zoning issue. This traffic issue is far as on the property is a zoning issue. If you’re worried about anything impeding traffic in front of your business on the Belt Highway, that is a Public Works function and will be addresses by them. If you don’t get past the planning stage, you don’t go on to the next stage. So there’s a three or four stage process for these gentlemen to move through. Does that answer your question?

Gregory: Yeah, I was just wanting to bring it up to the appropriate times and the appropriate meetings just with because it was brought up about the right turn and some of the other things that I had some input on but if it isn’t the time or place I don’t want to waste anybody, anybody’s time.

Elo: And if they meet the requirements of Public Works uh, regarding, you know, uh, traffic cueing or stacking uh, there won’t being another public hearing it will be if staff deems what they’re doing sufficient then they will be granted the appropriate permits. There won’t be another meeting of any kind. I’m just letting you know that.

Gregory: Okay. Well, if we’re only discussing that part, I mean it was just that I was notified and I have the plans here and then I see some things outside of that I won’t ever get sent a notice about just to hear from just you know, my location plus the neighbors that live behind us and everything that you know just to try and make it easy and appeasing to everybody as possible. That was just my thing. But if there’s not really a forum to discuss it, it’s just a city issue and can approve it whether if they want the extra turns in there or if we’re gonna do a light or if they’re gonna change the traffic timing because the traffic backs up on Mitchell probably where they talked about the other Dunkin’ as much during you know, busier times as much as it does at Belt and Frederick. And it ramps up the time and then there’s traffic problems and accidents. So that’s, you know, uh, and that’s usually it’s almost because of the lights backing up and people coming over the hill or turning out that aren’t seeing it. That way just my, I mean, my issue on it because I work at the store every day and I’m out there and I see every, you know, how the traffic moves. So that was just my way to address trying to feed everybody back out on to the Belt. Cause there’d have to be relief because it always backs up past 10th Street so then people have a lot of problems turning into my property and then with the extra once it gets backed up to where you’re trying to turn in and out of Seneca it’s starting to congest of, you know, you know it’s on the South end of the Belt technically not as busy but the traffic and the lighting the way it works it backs up and there’s just a, to bring it to somebody’s attention you know there’s a bigger increase for accidents cause if you study the police reports of the accidents there it’s always people topping the hill and having traffic backed up. So we’re gonna have even more of that there’s gonna be more traffic sitting at the red light after everybody turns out on you know if, if you’re forcing them to turn right from that section then there’s it’s, it’s just gonna back up even more to where you’re gonna have people topping that hill. If they see a green well, you know, the 20 or 25 cars haven’t start moving and that’s when we start getting a lot of the accidents. People just slam in to the back of the cars lined at the lights

Penland: I understand

Gregory: So that’s, that was the only issue I had and if this isn’t the place for it or if there isn’t a place for it I just wanted to bring it to somebody’s attention so it could be addressed if I’m not ever notified of time and place to discuss it

Powers: Well, thank you

Morrey: Sir I’ve tried to ask those exact questions about traffic count and that was my exact same concerns. Your gonna have 350 more cars trying to get back on the Belt Highway in an already significantly congested area. And if they try to turn left you’ve got people stopped all the way back there and someone is waving them out, horrific accidents
**Inaudible-several speaking at once away from microphone**

Powers: Sir, you’ve either got to talk at the microphone or sit down. You’re welcome to talk at the microphone. It has to be recorded. Okay, thanks.

Carter: Mr. Chairman, after discussing the matter with the applicant uh, we wanted, they are willing to withdraw the application uh, and comply with the zoning requirements based on an interpretation that the configuration that they presented in their application constitutes one drive through lane. Uh, staff is comfortable with this, this uh, interpretation and ready to apply it in that manner. The application is withdrawn.

Powers: Okay. The application has been withdrawn. We’ll close this case with no decision. Thank you Gentlemen. Thank you City. The next item is the

Shipp: Findings of Fact

Powers: Can we do our minutes first? I guess, let’s just go ahead and do the findings of fact. I didn’t even see that on there. Alright, do we have one or two?

Shipp: Just one

Power: One. Okay. Uh, next item would be um, a finding of facts on, on case number 2471 which we, did we approve that? We did. On present day March 2019. Need a motion for approval

Penland: So moved

Powers: Second?

Myers: Second

Powers: All in favor say aye

**all present responded aye verbally**

Powers: Opposed same sign

**silence**

Powers: Thank you. And finally for the approval of the minutes of our last meeting. Do we have a motion?

Myers: So moved

Penland: Second

Powers: Approve say aye

**all present responded aye verbally**

Powers: Opposed same sign

**silence**
Powers: And finally if there’s nothing else, a motion for adjournment
Myers: So moved

Powers: Okay we are adjourned

(Verbatim transcript ends)

Meeting adjourned 4:48 pm

Minutes respectfully submitted

Rebecca Shipp