

**Naples Planning and Land Use
Regular Meeting and
Public Hearing Minutes
May 11, 2010**

Commission Present: Vice Chairman Jim Richards, Walter Gale, Cresta Slaugh, Lane Webb, Kerry Kinney and Mark Partridge

Commission Absent: Chairman Dale Harrison and Stanley Johnson

Council Rep. Present: Kenneth Reynolds

Others Present: Chris Hoem and Brandy Salazar

Opening Ceremonies: Vice Chairman Jim Richards welcomed everyone out to the meeting and called the meeting to order at 7:00 p.m. Mark Partridge led the pledge of allegiance and Walter Gale offered the invocation.

Verification of Quorum: Vice Chairman Jim Richards verified a full quorum.

**Approval of Agenda
May 11, 2010**

Walter Gale moved to approve the agenda for May 11, 2010. Cresta Slaugh seconded the motion.

Roll Call Taken:

Vice Chairman Jim Richards	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Kerry Kinney	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

Disclosures None

**Approval of Minutes
April 27, 2010**

Walter Gale moved to approve the minutes for April 27, 2010. Mark Partridge seconded the motion.

Roll Call Taken:

Vice Chairman Jim Richards	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Kerry Kinney	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

Industrial Development
Rhinehart Oil
Bulk Fuel Storage Plant

Craig Nebeker: Rhinehart Oil has recently established a oil merchandise, they would now like to add four – thirty thousand gallon fuel tanks, a 8,460 gallon tank, a 4000 gallon tank and additional space for two additional 4000 gallon tanks to be added in the future behind the existing building. Vice Chairman Jim Richards asked if the tanks are for gasoline or diesel. Craig Nebeker: One 30,000 gallon building is for #1 red diesel, 1-30,000 gallon tank is for #2 red diesel, 1-30,000 gallon tank is for #1 clear diesel, 1- 30,000 gallon tank is for #2 clear diesel, 1-8,460 gallon tank is for unleaded gasoline and 1-4,000 gallon is for premium unleaded gasoline. Kerry Kinney: Will this be for storage or distribution? Craig Nebeker: Both. Mark Partridge: For distribution, will there be service tanks? Craig Nebeker: No, it is for bulk fuel delivery only. Chris Hoem advises Mr. Nebeker to speak with the FAA for possible height regulations due to being close to the airport. Chris Hoem asks about an area to contain a possible fuel spill. Craig Nebeker: There will be a retaining wall and a secondary containment area that is a cement pad with a drain, primarily for trucks, that will direct the spill to the primary containment area. Vice Chairman Jim Richards: Will the tanks be set on a concrete pad? Craig Nebeker: Yes, they will also be surrounded by a cement retaining wall. All safety regulations mandated by the Fire Code and NFPA 30 will be followed. (A copy of NFPA 30 regulations have been submitted to the City) Mark Partridge moved to approve the concept plan for Rhinehart Oil, Walter Gale seconded the motion.

Roll Call Taken:

Vice Chairman Jim Richards	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Kerry Kinney	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

Walter Gale moved to open the public hearing for Land Use amendments. Kerry Kinney seconded the motion.

Roll Call Taken:

Vice Chairman Jim Richards	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Kerry Kinney	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

Public Hearing
Land Use Ordinance Amendments
02-13 Home Occupation

Vice Chairman Jim Richards asked for public comment, none was given.

02-29 Infill Development

Vice Chairman Jim Richards asked for public comment, none was given.

02-36 Planning commission Bylaws

Vice Chairman Jim Richards asked for public comment, none was given.

Walter Gale moved to close the public hearing. Lane Webb seconded the motion.

Roll Call Taken:

Vice Chairman Jim Richards	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Kerry Kinney	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

Public Hearing Discussion

Land Use Ordinance Amendments

02-13 Home Occupation

02-13-002 #5: Advertising signs shall conform to the Sign Ordinance (02-16-001 Home Occupation Signs) Chris Hoem read the amended sign area for a home occupation, “Signs that advertise home occupations and are within 50 feet of a street or right-of-way shall be attached to the home and shall not exceed 4 square feet in sign area. Signs that advertise home occupations and are further than 50 feet from a street or right-of-way shall either be attached to the home and not exceed 4 square feet in sign area, or are conditional uses.”

02-13-002 #6: “Only one vehicle may be used in association with the home occupation and shall be garaged or stored entirely on private property and not within the front yard of the dwelling. Off street parking for the residents must be preserved in addition to the commercial vehicle.” The City Attorney stated customer parking must be addressed. “Off street parking must be provided for the residents and customers must be preserved in addition to the commercial vehicle” will be added to number 6. Chris Hoem added #9: “Promotional meetings for the purpose of selling merchandise or taking orders shall not be held more than once per month.” #15: “Handicap persons can obtain a waiver through the Land Use Administrator to allow such persons to become self sufficient.” The Attorney doesn’t understand what the waiver is for or if the city needs that or not. Mark Partridge asks about #7. Chris Hoem read, “The home occupation shall not allow employees coming to the home other than those living in the dwelling.” The Commission agreed the City should not mandate family only employees. The City should allow one to two employees, as long as off street parking is provided for all vehicles. After further discussion, the Commission agreed to change #7 to state the City would not allow any more than two employees for a Home Occupation. #6, clarify and state that only one company owned vehicle is allowed. Walter Gale moved to accept 02-13 Home Occupation Ordinance with the changes discussed and present it to the City Council for adoption. Cresta Slaugh seconded the motion.

Roll Call Taken:

Vice Chairman Jim Richards	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Kerry Kinney	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

02-29 Infill Development

Chris Hoem: 02-29-001 reads, “Infill development is development that takes place within or adjoining existing residential development. It may be a single vacant lot, a division of previously larger lot, a parcel that has been skipped over, or where demolition has occurred.” Dennis Judd recommended “a division of a previously larger lot” needs to be removed. 02-29-003 second paragraph reads, “Some of the conditions, but not limited to, are as follows:” the following sentence needs to be added “The Commission shall establish conditions to mitigate impact on neighboring property, insure public safety and health concerns are addressed.” The attorney wanted to ensure that all residential zone requirements are met such as front, side and rear setbacks, square feet of lot, requirements are met for the Fire Code and sewer and water are accessible. The Fire Code has been addressed insuring the requirements are met for hydrants, roads, etc... The Commission requested for Chris Hoem to bring the ordinance back to the next meeting with all of the changes made.

02-36 Planning Commission Bylaws

Chris Hoem: Page 2, fourth paragraph was added, it reads, “When exactly two regular members and at least one alternate are present at a meeting, the Chairman, Vice Chairman, or Chairman pro tem may temporarily appoint the senior-most alternate as a regular member in order to create a full quorum.” Mark Partridge moved to accept the Planning Commission Bylaws and present the Bylaws to the City Council for approval pending Chairman Dale Harrison’s review. Cresta Slaugh seconded the motion.

Roll Call Taken:

Vice Chairman Jim Richards	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Kerry Kinney	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

General Business
Updates on city complaints

Chris Hoem reads the memo addressing complaints stated at the previous Planning and Land Use Meeting.

Chris Reads: Single-wide trailer on 2500 South: Crag and I will be working on an ordinance that will cover temporary emergency housing for non-family renters, “casita” housing for family relatives, and student housing. The ordinance will include penalties for noncompliance.

Scaffolding in Hunter Hollow: The City cannot regulate the normal use of scaffolding, debris, etc. on private property. In the case of a child getting injured while playing on the scaffolding, the City is not liable because the child is trespassing. It is the responsibility of the home owner and/or property owner to keep children safely off the property.

Home Ownership in Hunter Hollow: The contractor told Craig and Brandy that all of the modular homes that are going into Hunter Hollow have all been pre-sold to families, not investors. No other updates have been given to the City.

Prairie Dogs at Pheasant Run: Craig spoke to the Pheasant Run developer, Kelly Hansen. Mr. Hansen is now aware of the issue and is willing to work with the City to exterminate the prairie dogs. Mr. Hansen has received the contact information for Carlyle Rolins, who is an exterminator. The City will call Mr. Hansen for an update.

Administrative Updates

Agenda for City Council Meeting on May 13, 2010

The Planning and Land Use Commission are on the City Council agenda on May 13, 2010 to discuss the Bylaws. The Commission is invited to attend the Council meeting.

Planning Commission Shirts New shirts were handed out to the Commission.

Walter Gale moved to adjourn, Lane Webb seconded the motion.

Adjourn

Roll Call Taken:

Vice Chairman Jim Richards	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Kerry Kinney	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

Next Planning and Land Use Meeting will be held on May 25, 2010 at 7:00 p.m.