

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Van Scoy, and Schiller. Voting No: None. Absent: Commissioners Brauer, Field, and Perez.

## **5. NOTE CITY COUNCIL MINUTES**

### **5.01: Note the Following City Council Meeting Minutes:**

**5.01.1: City Council Meeting Minutes Dated November 13, 2012**

**5.01.2: City Council Meeting Minutes Dated November 23, 2012**

Informational; no action required.

## **6. PUBLIC HEARINGS/COMMISSION BUSINESS**

### **6.01: Public Hearing: Consider Ordinance to Amend City Code Section 117-118 Entitled The COR Related to Twenty Four (24) Hour Drive-thrus**

#### **Public Hearing**

Chairperson Levine called the public hearing to order at 7:03 p.m.

#### **Presentation**

Development Services Manager Gladhill presented the staff report. He explained that as part of The COR Zoning Code, including the reformat of the original Design Guidelines to the Design Framework, zoning code standards related to design were shifted from the actual text of the City Code to the new Design Framework document. The intent was to create a more flexible, yet better defined design document for developers to plan their developments.

Development Services Manager Gladhill indicated there appears to have been some sort of formatting issue that dropped drive-thru uses with twenty-four (24) hour operations as a conditional use, and only keeping drive-thrus as a permitted use (when using audible speakers) between the hours of 7:00 a.m. and 10:00 p.m. Staff recommended the Ordinance amendment as presented.

#### **Citizen Input**

There was not citizen input for this item.

Commissioner Brauer arrived at 7:07 p.m.

Motion by Commissioner Bauer, seconded by Commissioner Schiller, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Schiller, Brauer, and Van Scoy. Voting No: None. Absent: Commissioners Field and Perez.

Chairperson Levine closed the public hearing closed at 7:07 p.m.

### **Commission Business**

Commissioner Bauer requested information on the differences between The COR 2 and COR 3 zoning districts. Development Services Manager Gladhill discussed this in detail with the Commission explaining The COR 2 zoning district was more auto oriented and retail. He noted COR 3 was an office park/employment district.

Commissioner Van Scoy requested to see a zoning map showing the location of The COR and COR-2b zoning districts. Development Services Manager Gladhill reviewed a map with the Commission.

Commissioner Van Scoy inquired if there would be any screening along Bunker Lake Boulevard. Development Services Manager Gladhill was uncertain of the proposed screening for this area.

Chairperson Levine stated this information would be included in the site plan.

Commissioner Bauer questioned if The COR district, being mostly commercial, should have restricted business hours. He suggested the existing Ordinance not be modified and allow the use to remain a permitted use.

Commissioner Schiller agreed stating he was in favor of allowing drive-thrus to remain a permitted use.

Development Services Manager Gladhill commented Staff was hoping to restrict the use of audible speakers in The COR at a drive-thru from 11:00 p.m. to 7:00 a.m.

Motion by Commissioner Bauer, seconded by Commissioner Schiller, to recommend that City Council adopt the Ordinance amending City Code Section 117-118 relating to twenty-four hour drive-thru operations, revising Line 1 and deleting everything in Paragraph 3 after "...beyond the property being served".

### **Further discussion**

Chairperson Levine asked if this motion made sense to Staff. Development Services Manager Gladhill indicated this was a policy decision and if the Planning Commission was comfortable with allowing drive-thrus to operate 24 hours a day Staff would support this decision.

Commissioner Van Scoy questioned if there were current drive-thru businesses operating in The COR. Development Services Manager Gladhill noted there were drive-thru operations in the Coborn's development, a pharmacy lane and a Caribou Coffee.

Commissioner Van Scoy inquired if these businesses hours of operation were restricted. Development Services Manager Gladhill explained the hours were restricted by City Code.

Commissioner Bauer suggested the hours not be restricted as this was a commercial business district.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Schiller. Voting No: Van Scoy. Abstain: Commissioner Brauer. Absent: Commissioners Field and Perez.

**6.02: Public Hearing: Request for Site Plan and Conditional Use Permit Approval for McDonald's Located on Lot 4 Block 1 CORE TWO; Case of McDonald's USA LLC**

**Public Hearing**

Chairperson Levine called the public hearing to order at 7:16 p.m.

**Presentation**

Associate Planner/Environmental Coordinator Anderson presented the staff report. He explained the City received an application for Site Plan and Conditional Use Permit review for a proposed 4,600 square foot McDonald's restaurant located in the COR-2b subdistrict. The proposed building is a single tenant space located at the southeast corner of Sunwood Drive and Armstrong Boulevard NW, adjacent to the recently approved Super America site. The proposal includes a drive-thru and the applicant has requested to utilize and operate electronic speaker devices associated with the drive-thru twenty-four (24) hours per day. A conditional use permit is being processed along with the site plan to address the use of electronic speaker device outside the hours of 7:00 a.m. and 10:00 p.m. as permitted by City Code.

Associate Planner/Environmental Coordinator Anderson reviewed the site plan renderings in further detail and recommended the Commission adopt findings of fact favorable to the applicant and to approve the request for a Conditional Use Permit for the use and operation of electronic speaker devices associated with the drive-thru twenty-four (24) hours per day, contingent upon compliance with the Staff Review Letter dated December 28, 2012 and upon adoption of an Ordinance amendment related to the expanded use of electronic speaker devices. Staff requested the Commission also recommend approval of the proposed site plan, contingent upon compliance with the Staff Review Letter dated December 28, 2012.

Chairperson Levine requested staff to review how traffic would flow through this property. Development Services Manager Gladhill reviewed the traffic flow in detail with the Commission.

Chairperson Levine asked how many lanes would be provided in the drive-thru. Associate Planner/Environmental Coordinator Anderson commented there would be two drive-thru lanes that would merge into one for food pickup.