

Pike Township Residents Association
Meeting Minutes 10/12/2005

Susan Blair called the meeting to order at 7:07 pm.

Quorum verified

Susan went over our purpose and how to find our website. She then reminded folks to sign-in at the back. She identified the things on the back table including an updated roster. She reviewed how to become a PTRA member. Karen Terrell, Pike Township Mayor's Neighborhood Liaison, was introduced.

Susan covered the policy on timing. The petitioner would be given 15 minutes to make their presentation, the Residents would be given 15 minutes to ask questions and make statements, and then the PTRA Board Members would ask questions.

Susan recognized Representative Phil Hinkle.

- 1) Motion to accept August and September minutes tabled.
- 2) Treasurer's Report – new balance \$1203. – no activity
- 3) Announcements:
 - a) Bob Mausbaum from DPW (Dept. of Public Works) made a presentation regarding the Clean Stream Program. The key points were -- step increases in the sewer user fees up to \$2.79/mo and raising the storm water fee as well. DPW is moving away from using the Barrett Law Statute to charge homeowners to eliminate septic tanks to charging the developers or builders to put in sewers. Pike Township's interceptor sewer on Belmont is in need of work. Keep an eye out for the Correct Connect Programs coming to address sump pump discharge into sewers.
 - b) We received a petition from CVS to waive the re-file time needed before they could re-file for a reader board. A motion was made to oppose this petition, seconded and motion carried unanimously.
 - c) Old case 2730 Pomona Ct asking for a modification in development standards to legally establish an improperly placed wall and sunroom was continued by the petitioner until 10/27.
 - d) 5945 W. 84th St. Bremner Healthcare revised its petition from C-4 to C-S because staff recommended it. Now scheduled 10/27. Susan will contact Mary Solada to continue so we can re-hear it.
 - e) St Nicholas Serbian Orthodox church's petition to have metal roof was approved. Then there was a discussion regarding a \$50 fine for not cutting the grass. Kevin Durcholz was questioning, on behalf of the church leadership, if this fine could be waived. Susan will contact Claudio to see if warning was

issued prior to the ticket. Upon further discussion, it was determined that a warning had been issued; therefore, PTRAs will not investigate the possibility of the fine waiver.

- f) No Petition received but Susan/Jeanette saw it on the hearing agenda website – 4281 N. High School Rd – Dahm Market is requesting additions to their existing property. Susan will attend the Hearing Examiner hearing to request a continuance based on no notice received by PTRAs. In the event a continuance is not granted, a motion was made to oppose because we were not properly notified. This was seconded and carried unanimously.
- g) Jeannette reported on MCCANA. Meeting on third Saturday of every month from 9-11am at the North Meridian United Methodist Church. October – Jim Gerard, Director of DPW, will speak. November – the Criminal Justice Planning Council will make a presentation.

4) Liquor Permits – see attached list

- (1) Jeannette will be at the Nov. 7th hearing regarding the BP Connect at 38th & High School Rd, and the BP at 71st & Woodland is asking for a transfer of license.
- (2) The 7 & 11 at 56th & Lafayette Rd had the appeal hearing on 9/28. The judge is requesting the distance from the site of each petition signature received. Out of 300 signatures the petitioner's petition had, 102 did not live in Pike or were from out-of-town/state. Thanks to Eagle Creek Citizens Advisory Board and the Eagle Creek Park Director for attending and testifying in support of our remonstrance at this hearing.

5) New Business

- (1) **2005-UV3-034, 4407 Lafayette Blvd.**, Adam DeHart presenting. Currently zoned C-5. Requesting a variance of use and variance of development standards. Staff requested extra information. We have a lot of empty buildings in this area. Insulation and HVAC Work. Most of the workers off site. Only office and Owner on site. He is working with the Economic Development staff. 50 Jobs on the bus route; gravel off-street parking over geothermal field. Will commit to pave in 3 years. Will convert truck fleet to Natural Gas and the state is prepared to issue a grant to do this. Will build a Natural Gas Station. Don B. requested that the variance only apply to this business. Someone asked about dust control from the gravel field. Will maintain the gravel by wetting it down when necessary. Pat asked for a commitment prohibiting outside storage. DeHart agreed. Motion to support made and seconded. It passed 10 to 8.
- (2) **2005-ZON-137, 6239 W. 46th St.** Mike Kias presenting. This is on the SE Corner of 46th and High School. Requests a rezoning of .83 of an acre to the C-1 classification to provide for a child daycare business. There is a bad history on this property. The building was damaged by fire about 5 years ago and not repaired well. It has had a number of

zoning violations and health department violations. Mr. Ajayi purchased the property in May and has made numerous improvements. He has put a new roof and gutter system on. He has fenced the back yard and is planning on adding a circular drive so parent's cars won't block traffic. He is committing to keeping the existing structure residential in appearance, as it exists today. He will commit to only one use – that of a child daycare. He is expecting around 40 children. He will have staff parking and a small amount of parent parking. He will commit not to use side yard.

The neighbors are concerned about traffic and commercial use encroachment. Question arises why they are requesting a C-1 rezoning instead of variance of use. Mr. Ajayi says because he was told the zoning board is more favorable to rezoning over modifications to the existing classification. The owner is licensed to run a Day Care. He will not be living there. How safe is this for 40 children. What about fire codes? Mr. Ajayi will comply with necessary codes to pass inspections. Will there be enough restrooms for 40 children? Child and Family Services will determine the restroom requirements.

The Staff Report is very negative, why are they proceeding with this? Mr. Kias believes that staff has not done its job. Many of the comments don't relate to this situation. Clint mentioned that daycares have very strict operational standards. Mark moves to oppose. This is seconded. The motion carries unanimously.

Susan briefs the immediate residents in attendance on the next steps and further encourages the neighbors to attend the hearing.

(3) **2005-DV1-045, 3849 Bennett Dr.** Elizabeth Cottler requests a variance of development standards to legally establish a 6-ft tall fence located in the front yard. The family is looking for a way to make everyone happy. Several suggestions were made regarding tapering fence so that it does not block view and put pedestrians at risk. Staff recommends denial because it does not meet ordinance. Pat moves to oppose. It is seconded. Clint abstains and the motion passes unanimously (minus Clint).

(4) **2005-ZON-845 & VAR- 845**, 5107 Freyn Dr., John Van Buskirk presents. The Winnings request a rezoning of one acre to the C-ID classification to provide for a landscaping business. They wish to construct building and then store wholesale landscape business inside. The Staff is suggesting C-ID from D-4. The use is consistent with the new Comp Plan. C-ID specifically allows for landscaping businesses. We will form a committee to meet with petitioner and/or representative and request a continuance to 11/17. Committee volunteers: Pat, Clint, Sheila, Tim, and Bob.

(5) **2005-UV2-038, 4002 N. High School Rd.**, Presenter is Roger Kilmer from Baker & Daniels. Norle Investments is requesting a variance of use to provide for a drinking place with live entertainment within a tenant space of

an existing strip mall. They are planning DJs and musical groups – no adult entertainment/lingerie shows. They have met with PTRAs committee out at the site to address the following concerns – 1) level of security during performances, 2) timing of performances, 3) exterior noise, 4) maintenance of property especially in regards to trash pick up. Mr. Kilmer passed out commitments. The hours of operation would be 11a-3a Fridays and Saturdays. Staff's only concern was to prohibit any outside speakers. We asked them to amend commitment #5 to read "... in addition to normal trash pick up, the parking lot shall be cleaned of trash." 102 parking spaces; they anticipate approximately 120 patrons. This strip mall is zoned C-3 for neighborhood services. We asked that in the petition they add addresses to specifically address which three tenant bays would be addressed in the petition. Mark has spoken with the planner. Staff recommended approval with suggestions to make the variance apply only to the 3 most southern tenant bays, no adult entertainment permitted, no external speakers or music. PTRAs had a problem with the broad scope of "Holidays" mentioned in the commitments presented. 130 neighbors given notices and only three residents present tonight. Mark moves to support this petition and it is seconded. 5 in favor, 8 opposed, motion fails. Motion made to take no position and seconded. 5 in favor, 7 opposed, motion fails. Motion made to not support (oppose petition) and seconded. 7 in favor, 6 opposed, motion carries.

(6) 2005-ZON-151, 4438 W. 56th St. Mr. Zaheer presenting. Momin Inc requests a rezoning of 1.68 acres to the SU-38 classification to provide for the construction of a community center. This family community has somewhere between 15 and 40 families who may use this facility located next to Brookfield Village. The India Community Center is right next to it and is vacant. Momin indicated that it would be using the facility approximately 35 days a year. There would be no music, or bands on the property. Unfortunately the India Center is a real problem according to neighbors. The India Center has caused violence and theft in the neighborhood, and is rented out frequently. Pat suggested we look at the commitments for Baha Church because the usage will be similar. They agreed to request a continuance to the 11/17 hearing and we will form a committee to meet with them. Committee volunteers: Pat, Sheila, Kevin, Jeannette, Bob M, Clint and Bob Frohardt (area resident).

(7) 2005-UV1-033 – 3902 Moller Rd. Sahara Williams requests a variance of use and development standards to provide for a horse stable with boarding facility and riding lessons and to legally establish a barn in front of the house. The barn was built in 1986. She would like to expand the barn to make it square and a little bigger. She would also like to legally establish existing barb wire fence and extend it the length of the property. She told us that she can legally have up to 13 horses, but she only has 8 stalls. She needs the variance to run a home based business because she will be renting

out horse stalls. Someone asked if she had had any problems with run off water from the horses. She said she has had no complaints. Susan and Sheila notified immediate neighbors, noticed the property is well maintained. Clint said it was like having a park and not having to pay for it. Motion made to support petition. Motion was seconded and carried with 2 opposed.

Meeting Adjourned 10:47pm.