

**Town of Shalimar
Planning and Zoning Special Meeting Minutes
July 13, 2009**

CALL TO ORDER: The Planning and Zoning Board Meeting was called to order by Chairman Gable at 6:12 p.m. He then led the "Pledge of Allegiance".

ROLL CALL FOR THE RECORD:

Chairman Brad Gable - present
Member/Co-Chairman Gene Tucker - present
Member Johann Behnken - present
Member Mickey Clements - present
Member Lynn Dominique - present

OTHERS IN ATTENDANCE: Town Manager Tom Burns, Deputy Clerk Tina Smith, Lieutenant John Spohn, Private Steve Shadwell, Patrolman Carl Miley, Cash Moore, Cashen Moore, Patti Baker, and residents Trisha Mikel, Christy Garland, Bernard Reukauf, Edna McCallister, Jerry McCallister, Barry Dovin, Andrew Dovin, , Monique Larson, Angela Nowell, Frank Stephens, Ronnie Nowell, Don Jackson, Karen Jackson, Jim Harris, Amanda Harris, Joe Livingston, Joe and Rhonda Ray, Sarah Crews, Joe Crews, Sylvia Cox, Murray Cox, Michael Green, Jan Devoe, Hugh Hilliard, Greg and Leida Bilby, Michelle and Clay Carmical, Larry and Vicki Bryars, David Miller, Candis Carillo, Jim and Susan Czekanski, Steve and Kim McCarthy, Glenn Wagner, Gary Combs, Gordon Talbot.

OLD BUSINESS:

- I. APPROVE MINUTES FROM THE APRIL 29, 2009 P&Z MEETING AND THE JUNE 24, 2009 P&Z WORKSHOP - Member Tucker moved to approve the minutes of the April 29, 2009 P&Z Meeting and the June 24, 2009 P&Z Workshop. The motion was seconded by Member Behnken and passed unanimously.**

NEW BUSINESS:

- I. SPECIAL EXCEPTION (USE) OF GIUSEPPI'S RESTAURANT PROPERTY -**
Chairman Gable explained his plans for the meeting. He introduced Town Attorney Mike Chesser who explained what a Special Use Exception is and how it is handled, any decision must be made based on facts. He then asked Manager Burns to read the application letter for the record. Manager Burns read both of Mr. Cash Moore's letters and was asked about the original application. Manager Burns explained that he met with Mr. Moore and didn't feel that a written development application was necessary because it was only a change of use with no modifications to the existing structure. Manager Burns then spoke with Attorney Chesser who asked for a written application from Mr. Cash. Manager Burns then contacted Mr. Cash and

asked him to submit an application in writing.

Chairman Gable then asked Attorney Chesser if any members of homeowners associations that are also on this board should be disqualified from voting. Attorney Chesser stated that, unless the member has a potential for financial gain, he is required to vote.

Several residents came forward to voice their concerns. Chairman Gable called for a recess at 8:07 p.m.

The meeting reconvened at 8:15. After the break, Chairman Gable relayed his list of suggested restrictions and asked for input from the board. The board came up with the following:

- No live or adult entertainment
- No pornographic material of any kind (games, videos, magazines, human, etc.)
- The maximum occupancy rate for the lounge is 20 people
- The hours of operation are 10:00 a.m. - 10:00 p.m. Monday - Saturday and 1:00 p.m. - 9:00 p.m. Sunday. No extended hours will be allowed without special permission from the Town Commission for each occurrence of a change.
- No window signs
- No temporary signage without a Town of Shalimar permit
- Reserve rear parking lot for employee parking only. Start with signage to deter patrons but P&Z board reserves the right to employ additional requirements as necessary
- No extended parking in parking lot
- Deliveries hours are restricted to 9:00 a.m. - 5:00 p.m.
- There will be no drive-through window access
- No other use of the facility will be allowed other than a package store with an attached lounge
- All exterior changes will be approved by the Town Commission
- The owner will consider the installation of additional Stormwater retention

Member Dominique moved to recommend to the Town Commission to approve the Special Exception based on the restrictions just discussed and anything else that this board may come up with. The motion was seconded by Member Behnken.

Member Clements moved to delay the decision until the July 29, 2009 Planning and Zoning Meeting in order to address the compatibility issue and other residents' concerns. The motion was seconded by Member Behnken. The motion did not pass with 3 voting nay.

Chairman Gable called for a vote on the original motion and it passed 4-1 with Member Clements voting nay.

Attorney Mike Chesser suggested that the current building plans (showing the outline of the lounge) be entered into the record. Also, he asked the board to consider adding a few other restrictions to ensure that the property is as compatible as possible. He brought up that Mr. Moore may sell this business and these restrictions will pass to the next owner so they should be specific. His suggestions were that:

- Signs are to be text only, no graphics
- All trucks with signage can remain long enough to make deliveries but are never to be parked
- Mr. Moore will be required to bring in a landscaping design for improvements to rear buffer zone to be reviewed and approved by the Town of Shalimar

Member Behnken amended the original motion to recommend to the Town Commission to approve the Special Exception and include the original restrictions and the restrictions brought up by the Town Attorney. The motion was seconded by Vice-Chairman Tucker and passed unanimously.

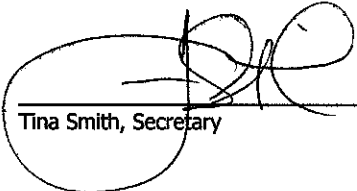
ANNOUNCEMENTS:

July 14, 2009 at 6:00 p.m. -- Shalimar Town Commission Meeting

July 29, 2009 at 6:00 p.m. -- Shalimar Planning and Zoning Board Meeting

Chairman Gable read the announcements.

ADJOURNMENT: Vice-Chairman Tucker moved to adjourn at 9:54 p.m. The motion was seconded by Member Behnken and passed unanimously.



Tina Smith, Secretary

August 26, 2009

Date Approved