

**Planning Commission Meeting**  
**May 23, 2023**  
**12:00 p.m.**

The planning commission members met on the above date and time in the commission chambers of Herington City Hall. In attendance were D. J. Neuberger, Josh Lawrenz, Karen Soliz, Cynthia Naylor, Gwen Owens-Wilson, Richard Idelman, Janet Wade, Marcus Hawkes, Neighborhood Services Director James Masters, City Manager Thatcher Moddie and Lisa Beye.

The meeting opened with the pledge of allegiance.

Chair Marcus Hawkes called the meeting to order.

Consider minutes of April 25, 2023-Regular Planning Commission meeting.

Janet Wade made a motion to accept the minutes, seconded by Cynthia Naylor. Motion Carried 8-0.

Public Forum: None

Additional agenda items:

Karen Soliz made a motion to approve the agenda with the addition of item 12b: Update of Flood Plain Map, 12c: Zoning Revisions to Modular Homes & Setbacks Update, and 10a: Sidewalks and Street repairs, seconded by Josh Lawrenz. Motion carried 8-0.

The hearing was opened for the matter relating to C1-2023 (620 N. G St.). The public forum time was opened as well. There was no one present, or any letters received.

The property owner, Lisa Beye, presented in the absence of Elizabeth Beye. Ms. L. Beye presented an overview of what is proposed at the property. Elizabeth has bought the hair salon downtown, First Impressions. It is now Luxe Downtown. She wants to expand to a spa and wellness center but there is not enough room in the current building. She has looked at other buildings downtown, but repair costs would be too much. She has permission from the property owners to use the workshop on the property of 620 N. G Street. Ms. E. Beye plans on having tanning three booths, a massage station, and an esthetician room. In addition, she would like to offer a tea, smoothie and shake bar with a small retail area for products. Operating hours will be Monday through Friday from 7 AM to 8 PM and Saturday from 7 AM to 2 PM. Drinks would only be served until 2 PM. Ms. L. Beye noted this location would take the least amount of work to expand this business. It is close to the highway, there is enough off-street parking on the property, and noted other towns having businesses in residential areas.

Discussion was had concerning this business in the residential area. The consensus of the commission was in favor of expanding the business. Elizabeth was able to join by phone. There were concerns raised. Karen expressed concerns about noise and asked if a natural barrier like bushes could be planted. Richard Idelman noted he was approached by 2 community members about the traffic in the area. Mr. Idelman originally thought the beverages would only be served to patrons receiving salon services and thought traffic would not be a problem. He did have concerns if beverages were available to anyone at any time. Janet Wade also expressed concerns about traffic in this neighborhood if the beverages were open to anyone. Ms. Beye was asked if she would consider only serving to patrons of salon services. She thought it would be difficult to do and hurt business to turn people away in that matter. Marcus Hawkes noted this property is different than other residential areas in that it provides off-street parking. Ms. Wade noted the streets in that area are not very wide and may not support this kind of traffic should the in and out type of business occur.

Josh Lawrenz moved, with a second from Cynthia Naylor, to pass the conditional use permit as presented, moving the matter to the City Commission, as presented. Motion passed 4-3 with Mr. Neeberger, Ms. Soliz, Ms. Wade casting no votes and Mr. Idelman abstaining.

Discussion was had of public property and fairground land use. Janet Wade passed out maps of the fairgrounds area. She raised concerns about placing transformer storage for the electric department in an area east of the fair board building. The zoning of agriculture in this area does not allow that placement and it is close to residential areas. Other areas were discussed with cost and floodplain being the biggest concerns raised.

Janet Wade, with a second from Karen Soliz, moved that the Planning and Zoning Commission is not in favor of moving transformer storage to the proposed site and recommends the City Commission reconsider placement of proposed industrial storage. The motion met a stalemate with a 4-4 vote. Mr. Neuberger, Mr. Lawrenz, Mr. Idelman, and Mr. Hawkes cast dissenting votes. City Manager Moddie said he could still pass on the concern.

Discussion was had concerning sidewalk and street repairs. Janet Wade recommended putting priority on public places from South Park to Father Padilla Park. Last year's street repairs were not in what was in accordance with the pavement study.

An update of the Comprehensive Plan was discussed. City Manager Moddie said he talked with the Commission about the state of progress the plan is in. The commission understands it is in the Planning and Zoning Commission's purview with no budgeted money. A fall timeline is good. The subgroup discussed a meeting time and discussing the plan with Mr. Moddie.

Karen Soliz gave a report of the Dickinson Count Planning Commission. The items discussed were equipment problems, DS & O is gathering information to our area with Green Solar Panels Company, bridge work is happening on 800 Avenue, and a proclamation was made of mental health month.

Janet Wade noted that the flood plain protest period was ending in late August with the final map available in February. We need to revise our zoning map and flood plain regulations.

An update on the modular home and set back ordinances was had. The modular home ordinance passed. Janet Wade noted there are some conflicts throughout our regulations that should be looked at. There are also modular home provisions that need to be looked at.

Commissioner Comments:

D.J. Neuberger- None

Josh Lawrenz- None

Karen Soliz- Date for work group is June 8<sup>th</sup> at 1 PM.

Janet Wade- Emails coming from the city appear to be delayed going to her yahoo in box. The EV charger is functional now. Update the Planning and Zoning minutes on the website. Several Items on zoning map not up to date on website. Can items such as variance and conditional use be sent out earlier by staff? What is happening with the auxiliary structure near The Spot and who owns it? There are concerns about right of way and setbacks. (Mr. Moddie approved conditional to a contract and transfer of ownership for placement)

Cynthia Naylor- None

Gwen Owens-Wilson- None

Richard Idelman- None

Marcus Hawkes- None

Josh Lawrenz made a motion to adjourn. It was seconded by Richard Idelman and the motion carried 8-0

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Chanda Wilson, Deputy City Clerk