

Plan Commission Minutes ***April 10, 2014***

CALL TO ORDER

The Chairman, John Janek, called the meeting of the Plan Commission to Order on Thursday, April 10, 2014, at 7:00 PM.

PLEDGE OF ALLEGIANCE & SWEAR IN

The Pledge was recited and persons in the audience wishing to speak at this meeting were sworn in.

ATTENDANCE/ROLL CALL

Members Present: John Janek, Shirley Howard, Don Luddeke, Mary Jo Akeman, Peggy Cunningham, Andy Mathes and Roger Tracy. Also present: Zoning Administrator Steve Willaredt. Excused absences: Mark Davis, Jack Taylor and Frank Greathouse.

MINUTES/AGENDA

A Motion to approve the Minutes from the previous meeting (January 9, 2014) and this evening's Agenda was addressed with a motion to strike the 5th Petitioner, Kit Gitcho, with his request for a non-conforming exemption permit which would allow a used car sales establishment at the corner of Wabash and Johnson Road was made by Andy Mathes and seconded by Roger Tracy. Voice vote. All ayes. Motion carried.

COUNCIL REPORT

In the absence of Alderman Dan McDowell, the Zoning Administrator reported all petitions that were presented to the City Council were approved.

PETITIONER (1): **Arcelia Hernandez **2908 State Street****

The Chair read the Petitioner's request for a non-conforming special exemption permit to allow a home based Income Tax Service in a residential district zoned R-3. The Petitioner stated she wishes to run a tax service from her home and the busiest months are January thru April. She has children and a regular job, therefore, would like to work from home a few weekdays and on Saturday morning. The Zoning Administrator, Steve Willaredt, said he has addressed the "Home Occupation Code" and mailed Ms. Hernandez a letter stating the limitations and restrictions (Attachment A, copy available upon request).

The Chair stated that residential area on State Street has street signs stating "Residential Parking Only" and "No Parking" during certain hours because of Frohardt Elementary School. The school closed last year and is now occupied by the Six Mile Regional Library during a period of renovations to the downtown based library. Mary Jo Akeman stated, the no parking signs are to be removed for as long as the Library uses the building. The Zoning Administrator stated the City Council has passed a resolution to remove the signs and the painted yellow curb (no parking lines); he further stated there are no other businesses located along that stretch of property.

Mary Jo Akeman requested a stipulation to the proposal, limiting appointments to one client at a time and allowing use of her driveway, one lane of a double-wide, for customer use.

The Chair Called for anyone in the audience “for” the petition. No one responded.

The Chair called for anyone in the audience “against” the Petition. Makenzie Scott, address 2910 State Street, came forth and stated she has a letter from her mother, Julie Scott, who was unable to attend this evening; she wished to present her mother’s protest letter to the Commission. The Chair asked her to read the letter aloud (Attachment B, letter and three (3) photographs, copies available upon request). The Chair asked when the photos were taken and was told approximately two weeks ago.

MOTION by Shirley Howard and seconded by Peggy Cunningham to place the letter and photos on file. Voice vote. All ayes. Motion carried by unanimous consent.

The Chair called for the Petitioner’s response to the letter and photos. Ms. Hernandez stated the photos were pictures of a friend’s and her father’s vehicles. She added, oftentimes vehicles are parked on her street because of the proximity of the high school and GCHS events, Park District events and City events i.e. sports, parades and Santa Cabin.

The Checklist was completed as follows:

- a). Hours of Operation limited to: 5:00 PM to 8:00 PM daily and 8:00AM to 12:00 noon Saturday
- b). Days of operation: Monday thru Saturday
- c). Signage limited to: None
- d). Screening required: No
- e). Additional parking required: One off street (driveway) space
- f). Any additional exterior lighting permitted? No
- g). Is there a need to address storm water run-off? No
- h). Does permit expire with change of ownership and/or use? Yes
- i). Is re-application necessary to intensify use? Yes
- j). Shall the Zoning Administrator have the right to bring back the permit for review, if at any time, he finds the stated intent of the permit has not been followed or the business has become a nuisance? Yes

MOTION by Roger Tracy and seconded by Mary Jo Akeman to allow the Petition request, with the above named restrictions (items a thru j). Roll Call vote: 3 ayes and 4 noes. Motion Denied.

The Chair stated to the Petitioner, and to the audience, the Plan Commission is a recommending body to the City Council and the Council will make the final determination of the Petitions at their next meeting scheduled April 15, 2014.

**PETITIONER (2): Electric Guard Dog
 for MW Recycling a/k/a Shapiro Brothers
 1143 16th Street**

The Chair presented the second Petition request on the Agenda. Nathan Leaphart, 121 Executive Center Drive, Columbia, S.C. came forth and introduced himself as the spokesperson for Electric Guard Dog. He said their request is as the Chairman stated; a low voltage, electrified fence, within a fence, designed to deter thieves that breach the outer fence. He added, , the fence has been determined medically safe and warning signs will be posted.

The Zoning Administrator said the property is zoned M-3 Heavy Industrial and he is aware there have been theft reports. He further stated, the Petition request is a variance to allow a 10 ft high fence; the Sign Ordinance states 8 ft. is the allowable height. No further discussion.

MOTION by Andy Mathes and seconded by Roger Tracy to approve the Petition for a 2ft. variance and allow a 10 ft. high, low voltage, electric fence within an existing fence, in the district zoned M-3. Roll Call vote. All ayes. Motion carried by unanimous consent.

**PETITIONER (3): Heinz Peter, Locust Properties
3908 Maryville Road, Suites 2 & 3**

A blueprint of the interior floor plan for the physical therapy facility were distributed to the commission members (Attachment C copy available upon request).

The Chair introduced the Petition, a request to allow a physical therapy facility in a medical building located in a District Zoned C-6 in a P.U.D. (Planned Unit Development).

Mr. Peter appeared and stated the request is what the Chairman presented. The Chair called for any questions or concerns. None voiced.

MOTION by Mary Jo Akeman and seconded by Shirley Howard to approve the request, as long as the therapy facility abides by the regulations set forth in the C-6 P.U.D. regulations. Roll Call vote. All ayes. Motion carried by unanimous consent.

**PETITIONER (4): Gateway Packaging
Grant Ramsey, Representative Korte Construction
20 Central Industrial Drive**

Grant Ramsey (Korte) and Kevin Lemmons (Gateway Packaging) came forth and Mr. Ramsey stated Gateway Packaging is proposing to expand their business by installing a new label press. The petition request is to allow construction of a new storage facility where solvents will be contained.

The storage facility will be attached to the existing building. The Zoning Administrator stated that he, Mr. Ramsey and the city's Fire Marshall have met and discussed proper guidelines for storage of solvents and guidelines will be adhered to. (Blueprints: Attachment D, copy available upon request) No further discussion.

MOTION to approve the Petition and allow construction of the storage facility was made by Don Luddeke and seconded by Peggy Cunningham. Roll Call vote. All ayes. Motion carried by unanimous consent.

NEW BUSINESS - None voiced.

UNFINISHED BUSINESS - None voiced.

MOTION to Adjourn made by Mary Jo Akeman and seconded by Roger Tracy. Motion carried.

Respectfully submitted,
Barbara Hawkins
Recording Secretary
Plan Commission

PLAN COMMISSION ADVISORY REPORT

Hearing Date: April 10, 2014

**PETITION (1): Arcelia Hernandez
2908 State Street**

MOTION by Shirley Howard and seconded by Peggy Cunningham to place a protest letter and 3 photos on file. Voice Voice. All ayes. Motion carried.

MOTION by Roger Tracy and seconded by Mary Jo Akeman to allow the Petition request, with following restrictions:

- a). Hours of Operation limited to: 5:00 PM to 8:00 PM daily and 8:00AM to 12:00 noon Saturday
- b). Days of operation: Monday thru Saturday
- c). Signage limited to: None
- d). Screening required: No
- e). Additional parking required: One off street (driveway) space
- f). Any additional exterior lighting permitted? No
- g). Is there a need to address storm water run-off? No
- h). Does permit expire with change of ownership and/or use? Yes
- i). Is re-application necessary to intensify use? Yes
- j). Shall the Zoning Administrator have the right to bring back the permit for review, if at any time, he finds the stated intent of the permit has not been followed or the business has become a nuisance? Yes

ROLL CALL VOTE

John Janek	YES	Peggy Cunningham	NO
Shirley Howard	YES	Andy Mathis	NO
Don Luddeke	NO	Roger Tracy	YES
Mary Jo Akeman	NO		

3 ayes, 4 noes. Motion Denied

**PETITION (2): Electric Guard Dog
For MW Recycling, aka Shapiro Brothers
1143 16th Street**

MOTION by Andy Mathes and seconded by Roger Tracy to approve the Petition for a 2 ft. variance and allow a 10 ft. high, low voltage, electric fence within the existing fence in a District Zoned M-3.

ROLL CALL VOTE

John Janek	YES	Peggy Cunningham	YES
Shirley Howard	YES	Andy Mathis	YES
Don Luddeke	YES	Roger Tracy	YES
Mary Jo Akeman	YES		

Motion carried by unanimous consent

PETITIONER (3): Heinz Peter

**Locust Properties
3908 Maryville Road
Suites 2 & 3**

MOTION by Mary Jo Akeman and seconded by Shirley Howard to approve the request, as long as the therapy facility abides by the regulations set forth in the C-6 P.U.D. district.

ROLL CALL VOTE

John Janek	YES	Peggy Cunningham	YES
Shirley Howard	YES	Andy Mathis	YES
Don Luddeke	YES	Roger Tracy	YES
Mary Jo Akeman	YES		

**PETITIONER (4): Gateway Packaging
Grant Ramsey, Korte Construction
20 Central Industrial Drive**

MOTION to approve the Petition and allow construction of the new storage facility was made by Don Luddeke and seconded by Peggy Cunningham.

ROLL CALL VOTE

John Janek	YES	Peggy Cunningham	YES
Shirley Howard	YES	Andy Mathis	YES
Don Luddeke	YES	Roger Tracy	YES
Mary Jo Akeman	YES		