

*Amended
Plan Commission Minutes
September 3, 2015*

CALL TO ORDER

The Chairman, John Janek, called the meeting of the Plan Commission to Order on Thursday, September 3, 2015 at 7:00 PM.

PLEDGE OF ALLEGIANCE & SWEAR IN

The Pledge of Allegiance was recited and the Petitioner was asked to remain standing to be sworn in.

ATTENDANCE/ROLL CALL

Members Present: John Janek, Peggy Cunningham, Don Luddeke, Jack Taylor, Mark Davis, Roger Tracy, Shirley Howard and Mary Jo Akeman. Also present were: Zoning Administrator Steve Willaredt , Asst. City Attorney Laura Andrews and Alderman Dan McDowell. Excused absences: Andy Mathes.

MINUTES

Motion to approve the Minutes from the previous meeting (April 2, 2015) was made by Jack Taylor and seconded by Roger Tracy Voice Vote. All ayes. Motion carried.

AGENDA

Motion to approve this evening's Agenda was made by Jack Taylor and seconded by Roger Tracy. Voice vote. All ayes. Motion carried.

COMMENTS BY THE CHAIRMAN

The Chair stated to the Petitioners, the Plan Commission is a recommending body to the City Council and the Council will make the final determination at their next Council meeting scheduled to be held on Tuesday, September 15, 2015.

COUNCIL REPORT

Council Chairman Dan McDowell reported that Gary Eberhardt, trustee of the Gary Eberhardt Revocable Trust Parcel: 22-1-20-03-00-000-001 to establish a Wetland Bank in an Agricultural District. Zoned A, Agricultural District went before the council and that council concurred with the board.

PETITIONER (1): **Steve Willaredt for the
City of Granite City
3000 Dale
Parcel: 22-2-20-16-05-102-010**

The Chair stated the petitioner is requesting to establish a Special Use Permit to allow the resident of 3000 Dale., a Native American, to have chickens “agaashiimin Maitous” which is important to his religious beliefs, in a residential zoned district. Zoned R-2.

Asst. City Attorney Laura Andrews spoke on behalf of Steve Willaredt for the City of Granite City. Mrs. Andrews stated anyone wanting to speak in favor of the petition will speak, then who is against the petition will be allowed to speak. The board then can ask questions. At the end of the Public Hearing Michael Woody’s Attorney Amanda Bradley (Verett) may speak. Mr. Woody may speak if he desires, but is not required to. He does not have to answer any questions as he is not the petitioner.

Discussion for in favor of the petition: Martha Burich stated she is in favor for the petition in a residential area. There is nothing wrong with 4 or 5 chickens in a back yard. Chickens gives less waste, very clean and sanitary if you keep up with them . Coops can be keep very nice and clean. Most neighbors do not have any idea there are chickens if you do not have roosters, chickens can be very quite.

Guy Niere stated he is in favor for the petition. Mr. Niere is one of the organizers for the St. Louis back yard chicken meet up group. There are approximately 700 members. Mr. Niere teaches college at St Louis Community College and various green venues. Mr. Niere states in the United States out of 100 of the largest cities only 93 cities allow chickens. The poorest most destitute cities do not allow chickens. No evidence of noise, feces smell or chickens diminish property value. Small flocks fight infection and large flocks with 10,000 chickens cause infection. Depending on size of the chicken pens and how many chickens in a pen, if cleaned properly monthly or twice a year the chickens do not smell.

Laura Andrews I am also Assistant City Attorney for the City of Granite City stated this petition is for a special use and was file by the city in order to accommodate Mr. Woody’s religious beliefs. The creatures Mr. Woody has in his yard to him are sacred objects. The reason the city wants a special use permit to be granted to him is so it will carefully detail that what Mr. Woody has is sacred objects and not open the door for people who want chickens for non religious reasons.

Discussion for not in favor of the petition: Susan Vinson is concerned about the smell issues, salmonella that chickens carry and what is air quality when cleaning out the pens. They cannot open the windows due to smell and especially when cleaning the shed where the chickens are kept. They burn a lot of things, is that part of their religious beliefs. Susan tried looking up what “agaashiimin Maitous” meant and tried several American Natives web site and found no answer. Noise is not a problem.

Mark Davis’s concern was how often will the pens be cleaned and properly be taken care of to prevent the smell. Who would check to see if properly taken care of.

Jack Taylor’s concern was does the city have rules for these types of animals. Zoning code; states no farm animals allowed.

Mary Jo Akeman stated she tried to research name that was given and “agaashiimin Maitous” was like in upper Midwest and into Canada. Mary Jo researched on as many tribe and clans of tribe and variation of, because there all kinds of variation of what religion is on Indiana tribe or clans. Could not find anything at all on raising chickens.

Attorney Mrs. Bradley for Mr. Woody spoke against the petition. First, she was concerned about time limit for the special use permit. Mrs. Bradley thought the permit was only good for 6 months. Mrs. Bradley had a copy of an ordinance Article 10.5 referring to building permits and not special use permit

on time limit. Mrs. Bradley was told the special use permit shall expire with change of ownership or no longer having chickens at 3000 Dale.

Mrs. Bradley challenged the authority of Steve Willaredt Zoning Administrator to file this petition for 3000 Dale, and emphasize the petition cannot be filed on Mr. Woody's behalf by the Zoning Administrator when Mr. Woody already has representation. Assistant City Attorney Laura Andrew stated this filing falls under Special use permit Article 10-210. Ms. Bradley stated that Mr. Woody should not be required to defend his religious beliefs. Finally, Ms. Bradley stated that Mr. Woody wished to withdraw the petition.

Motion. FAILED LACK OF MOTION.

Petitioner: (2) William Henke
2355 Pontoon Road
Parcel ID: 22-2-20-04-18-305-018

The Chair stated the request for intensification of a Special Use Permit (granted March 1, 2007) allowing the establishment of a Computer sales and repair business. Petitioner request is to intensify the Special Use Permit to include the retail sales of garden vegetables throughout the summer and early fall on the parking lot area of the computer business location.

William Henke introduced himself and stated his daughter and group of college students works at various farms and orchards growing produce. The college students would like to sell the produce at this address 2355 Pontoon Road because of its location. Mr. Henke feels this will help the college students to earn extra money for college.

Mark Davis concern was there has already been produce being sold at this location this summer. Steve Willaredt Zoning Administrator stated he allowed permits to sell the produce because he had the petition.

Shirley Howard's concern was the parking lot, does it have adequate parking spots while selling the produce on the parking lot.

MaryJo Akeman's concern was about need some restrictions that we do not have on the computer business.

John Janek's concern was will there be a covered area for selling produce. Is a business license required to sell non taxable items and are there any sales tax involved. If so, are the sales tax paid to the city or state. A fence needs to be placed on the back of the lot by the alley. The alley is used as a speed way and very well traveled.

Steve Willaredt, Zoning Administrator, concerns were they only selling fruits and vegetables, what days of the week, if weekends only, how many weekends, where will you dispose of the un-saleable produce, dumpster is it screened from public view, where does the produce come from and why not sell the produce from where you reside. Mr. Henke stated un-saleable produce will be taken back to Calhoun County where it came from. The un-saleable produce is used to feed the farm animals. Mr. Henke stated he will probably downsize from his dumpster to a green container.

The Special & Non-Conforming Use Checklist was completed by Commission member MaryJo Akeman.

- a). Hours of Operation limited to: 7a.m. – 3p.m. Thursday thru Sunday .
- b). Days of operation: 4 days per week.
- c). Signage limited to: Portable removed daily, signage approved by the Administrator, Building and Zoning.
- d). Screening required: No, if downsizing.
- e). Additional parking required: No
- 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 Jack Taylor and seconded by Shirley Howard to approve the petition to intensify the Special Use Permit to include the retail sales of garden vegetables throughout the summer and early fall on the parking lot area of the computer business location.

ROLL CALL VOTE

John Janek	Yes	Mark Davis	Yes
Peggy Cunningham	Yes	Roger Tracy	Yes
Don Luddeke	Yes	Mary Jo Akeman	No
Jack Taylor	Yes		

There were no further comment for or against this petition.

NEW BUSINESS

None Voiced.

UNFINISHED BUSINESS

None voiced.

A **Motion** to adjourn was made by Roger Tracy and seconded by Peggy Cunningham. Motion carried.

Respectfully submitted,

Bonnie Dickerson

Secretary,
Plan Commission

PLAN COMMISSION ADVISORY REPORT
Hearing Date: September 3, 2015

**PETITIONER: (1) Steve Willaredt for the
City of Granite City
3000 Dale
Parcel ID: 22-2-20-16-05-102-010**

MOTION failed to approve the petition for a Special Use Permit to allow the resident of 3000 Dale Ave., a Native American, to have chickens “agaashiimin Maitous” which are important to his religious beliefs, in a residential zoned district. Zoned R-2.

FAILED DUE TO LACK OF MOTION

**PETITIONER: (2) William Henke
2355 Pontoon Road
Parcel ID: 22-2-20-04-18-305-018**

MOTION by Jack Taylor and seconded by Shirley Howard to approve the petition to intensify the Special Use Permit (granted March 1, 2007) to include the retail sales of garden vegetables throughout the summer and early fall, with the following conditions and restrictions:

The Special & Non-Conforming Use Checklist was completed by Commission member MaryJo Akeman.

- a). Hours of Operation limited to: 7a.m. – 3p.m. Thursday thru Sunday .
- b). Days of operation: 4 days per week.
- c). Signage limited to: Portable removed daily, signage approved by the Administrator, Building and Zoning.
- d). Screening required: No, if downsizing.
- e). Additional parking required: No
- 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
Shirely Howard	Yes
Mark Davis	Yes
Jack Taylor	Yes
Don Luddeke	Yes
Mary Jo Akeman	No
Peggy Cunningham	Yes
Roger Tracy	Yes

Seven Ayes and One nay. Motion carried.