

MINUTES
AURORA PLANNING AND ZONING COMMISSION

REGULAR SESSION
AURORA CITY HALL, COUNCIL CHAMBERS
Monday, January 13, 2014 at 7:00 PM

I. Call to order-

Chairman Payne called the meeting to order at 7:00 p.m.

II. Roll Call: Commission Member:

Vacant (2014)

Chairperson:

Vacant (2017)

Councilwoman:

Linda Barton-

Commission Member:

Vacant (2013)-

Vice Chairperson:

Rita Engeldinger (2017)

Commission Member:

Eddie Breeding (2014)-

Chairperson:

Regina Payne (2015)-

Secretary:

Kathie Needham-

All members were noted present.

Others in attendance: Kathie Needham, City Clerk, Mike Randall, City Manager, Templeman's, Allen's, Kapella's and Tammi Creason.

III. Approval of Minutes

A. Approval of minutes from meeting held on July 16, 2013 at 7:00 p.m.

Commissioner Breeding moved to approve the minutes from the meeting held on July 16, 2013 at 7:00 p.m. Vice Chairperson Engeldinger seconded the motion.

Motion passed 3-0 with the following members voting aye on the motion:

AYES: Engeldinger, Breeding, Payne

NAYES: 0

ABSTAIN: Barton (Not in attendance)

IV. Public Hearing

A. Request from Bruce & Debbie Allen to make the properties located on Southern Heights Drive a No Street Parking Zone

Chairman Payne moved to open the Public Hearing time noted 7:03 p.m. Mayor Barton seconded the motion. Motion passed by a roll call vote with the following members voting aye on the motion:

AYES: Barton, Payne, Engeldinger, Breeding

NAYES: 0

Debbie Allen – 715 Southern Heights

When she received her letter informing her of the public hearing the wording appeared to be incorrect. She contacted Building Inspector White and told him her complaint was not to prohibit total parking on the street but only not allow businesses to have their employees park along the street. Building Inspector White informed her that city code does not speak to home owned businesses.

She reiterated again her intent of the complaint was not to not allow parking along a residential street. She questioned whether it was legal in the City to use a residential area to run a commercial business. Her complaint was against her neighbors the Templeman's who run a painting operation out of their home. This operation stores material in their garage and each morning is loaded up and transported to their work site. The Templeman's employees park along the street during the day when they are out working. Allen's allege their vehicles restrict view from traffic.

Ms. Allen didn't mind the first van they acquired for work but then three more were added intensifying the problem. There could be as many as five cars parked along the street at any given time which is using the street as a parking lot. She stated her and her husband took great pride in their home and street and were trying to protect their investment. She stated it's a matter of what's right for Aurora.

Several homes in the neighborhood are rental units and she understood through the a neighbor that a home sale was lost due to the employee parking allowed along the street. What if all the other rentals on the street have employees parking along the street from their small businesses?

She stated she heard this same thing was happening in other parts of town. Ms. Allen stated her husband and she had considered selling their home and wondered if the parking would jeopardize the sale of their property.

Lynn Templeman – Owner of the Painting Company

Lynn stated her business was a woman owned business that has never employed five people. To date they have three employees which include their son. Her business is run out of their home and products are stored in the garage which is transported each day to and from the work site. The company is called the Painting Company and they do custom painting for others. They own three vehicles themselves of which one is always in the driveway. Their employees are not allowed to park in front of anyone else's homes. Two employee's car pool from Mt. Vernon which helps to keep the number of cars on the street to a minimum. There are never more than three cars on the street at any given time. The employees are required to come early in the morning to help load the vans and then they return in the evenings to unload the vans into the garage.

The Templeman's rent their home and take great pride in keeping their property neat and clean and free of clutter. They don't throw trash around and don't allow their employees to throw out cigarette butts on the street. Lynn showed commissioners pictures of her property and parking situation. Debbie Allen also showed pictures she had taken of the parking problem.

City Manager Randall stated he had toured the area and had also spoken with Police Chief Witthuhn about the problem. He was told the Code Enforcement Officer had been called to the area numerous times. He felt there was some confusion with how city code entered into the matter. Codes fall into three categories: 1) Planning and Zoning, 2) Nuisance's, 3) Home Occupations. Some of the Allen's concerns fall under the nuisance part. Ordinances generally do not constitute a nuisance unless they are at least 1 ton. The Templeman's vans are only ½ ton trucks which would not qualify under that restriction. The number of cars parked along a street he felt did not constitute a nuisance either. The Code Enforcement Officer did not see anything infractions to site when called to the area. Home Occupation ordinances generally regulate what kind of businesses can operate out of a residential neighborhood. Being new to the area he was not familiar with the city's code on Home Occupation ordinances. His recommendation was to review city code and draft changes to be brought back to the commission for approval.

Bob Kapella – 725 Southern Heights

Has never seen five cars parked on the street ever. Has never had a problem with the cars parking on the street. The streets are wide enough for two cars to pass at the same time so he didn't see an issue at all with the parking. The Templeman's property, even though a rental, has always been kept up and if you didn't know it was rental you couldn't tell it was a rental property. He felt the street was quiet and noise was never an issue.

He spoke about a neighbor named Harold Wilks that had a heart attack and was unable to attend the meeting. He had written a letter which Mr. Kapella read aloud. His letter stated he had lived next door to the Templeman's for eight years and had never had a problem with the parking on the street and was against banning parking.

A letter was also received from Jimmy Beaver and Mary Black stating they were against banning parking.

Vice Chairman Engeldinger questioned the possibility of Templeman's requiring their employees to drive the company vehicles home. Templeman's replied that their equipment was very expensive and they did not feel comfortable allowing their employee's to take their vehicles home due to liability on the equipment.

After much discussion, Chairman Payne made the motion to close the public hearing, time noted 8:00 p.m. Motion was seconded by Vice Chairman Engeldinger. Motion passed 4-0 by a roll call vote with the following commissioners voting aye on the motion:

AYES: Barton, Payne, Engeldinger, Breeding

NAYES: 0

Chairman Payne made the motion to recommend to staff to review present ordinances and bring back recommendations to the board. Mayor Barton seconded the motion. Motion passed 4-0 with the following commissioners voting aye on the motion:

AYES: Payne, Engeldinger, Breeding, Barton

NAYES: 0

V. New Business

A. Discussion on Larry Herndon Subdivision

Building Inspector White stated Mr. Herndon had surgery and was unable to attend. He asked Trent to go ahead and present his case. Trent was not comfortable presenting information for fear he would leave something important out.

Commissioner Breeding moved to table the discussion until Mr. Herndon could be present. Vice Chairman Engeldinger seconded the motion. Motion passed 4-0 with the following commissioners voting aye on the motion:

AYES: Engeldinger, Payne, Barton, Breeding

NAYES: 0

B. Discussion on location for Verizon cell phone tower

Building Inspector White stated there is not many code pertaining to the placement of cell phone towers in the code book. Verizon has picked three locations along Church Street for a cell phone tower and has received approval for placement on all three locations. The problem is they are all in different zoning locations. Building Inspector White recommended that a location in M-2 zoning would be best so it does not conflict with any other present zoning area.

Chairman Payne made the motion to recommend to Verizon the location in the M-2 zone. Commissioner Breeding seconded the motion. Motion passed 4-0 with the following commissioners voting aye on the motion:

AYES: Breeding, Payne, Barton, Engeldinger

NAYES: 0

C. Accept final plat of Brookside Terrace Estates

Tammi Creason with Gardner Capital addressed the Commission requesting approval of their final plat to include several small variances that were not initially approved. To keep things above board they wanted the final plat approved once more before recording the plat.

Chairman Payne moved to recommend to city council to approve the final plat of Brookside Terrace Estates to include all variances. Commissioner Breeding seconded the motion.

Motion passed with the following commissioners voting aye on the motion:

AYES: Breeding, Payne, Engeldinger, Barton

NAYES: 0

Tammi requested this to be on the January 27th meeting. The commission recommended to city council to do two readings of the ordinance on the 27th so Gardner Capital can close out the project.

VII. Public Comment/Discussion

None

VIII. Department Report

Building Inspector White reported that BioMass had contacted him wanting to expand 1/2 dome for more storage. He will be working with them to get their project moving forward.

City Manager Randall spoke about the Land Use Map that is usually found in the Comprehensive Plan. If an engineering firm was used to put the plan together they always include that in the back of the plan document. He spoke about how ignored this plan is and explained why it is so important to a community. The plan should be a city's plan for future development. When a request is made for rezoning it should not be approved unless it fits within the scope of the Land Use Plan. A City is a fluid entity which is constantly changing. The character of an area can change and if it does the Land Use Map should be changed to reflect the change.

The last Comprehensive Plan update was in 2009 which was done by a college graduate. The last Comprehensive Plan that was hired done was in 2002 by the Southwest Local Government through Missouri State University.

The data base for the map has been lost or deleted over time. Diane May from the Southwest Local Government Program has been in contact with the City Manager about the need to recreate this map and data base. She will be meeting with the City Manager to talk about the project which she feels she can work in nicely with her students this semester to recreate the database to develop a new Land Use Map. The only cost to the city would be for materials.

The City Manager will be meeting with her this week on the project.

IX. Adjournment

Chairman Payne moved to adjourn the meeting at 8:45 p.m. Mayor Barton seconded the meeting. All commissioners voted aye.

APPROVED:



Regina Payne, Chairman

ATTEST:



Kathie Needham, City Clerk, MMC/MPCC