

AURORA PLANNING AND ZONING COMMISSION MINUTES

**REGULAR SESSION
AURORA CITY HALL, COUNCIL CHAMBERS
Tuesday, March 7, 2017 at 6:30 PM**

I. Call to order

Roll Call:	Chairman:	Regina Payne (2019)
	Vice Chairman:	Darold Farless (2017)
	Commission Member:	Rick Boyer (2017)
	Commission Member:	Candi Bradley (2020)
	Commission Member:	Rita Engeldinger (2017)
	Commission Member:	Gene Godwin (2020)
	Commission Member:	Eddie Breeding (2017)
	Secretary:	Carrie Howlett

Chairman Payne called the meeting to order at 6:30 p.m. on March 7, 2017. Roll call was taken and all were present except Commissioner Bradley and Commissioner Breeding who were absent.

II. Approval of Minutes

A. Approval of Minutes from July 7, 2016.

Due to lack of appropriate quorum to approve minutes from meeting held July 7, 2016, Chairman Payne requested that said minutes be retained as they stand.

B. Approval of Minutes from December 6, 2016.

Commissioner Boyer moved to approve the meeting minutes from December 6, 2016 at 6:30 p.m. Commissioner Farless seconded the motion. Motion passed with the following members voting aye on the motion.

AYES: Payne, Farless, Boyer, Engeldinger, Godwin

NAYES: None

III. Old Business

A. Comprehensive Plan Review

Comprehensive Plan review was tabled for a future meeting.

Commissioner Payne moved to postpone discussion of the Comprehensive Plan Review for a future meeting. Commissioner Farless seconded the motion. Motion passed with the following members voting aye on the motion.

AYES: Payne, Farless, Boyer, Engeldinger, Godwin

NAYES: None

IV. New Business

A. Accept resignation from Leslie Horner

Chairman Payne advised the commission that the next item on the agenda was to accept resignation from Leslie Horner. Commissioner Farless moved to accept resignation from Leslie Horner. Chairman Payne seconded the motion. Motion passed with the following members voting aye on the motion.

AYES: Payne, Farless, Boyer, Engeldinger, Godwin

NAYES: None

B. Public Hearing, Jacqueline Schutte, Rezoning

Commissioner Boyer moved to open Public Hearing at 6:33 p.m. Commissioner Farless seconded the motion. Motion passed with the following members voting aye on the motion.

AYES: Payne, Farless, Boyer, Engeldinger, Godwin

NAYES: None

City Manager Randall addressed the Planning & Zoning Commission with a brief opening statement regarding the Future Land Use Map pertaining to zoning. The property of topic is currently zoned Residential and is not recommended for a zoning change on the Future Land Use Map, recently reviewed by the Planning and Zoning Commission. The building currently is used as a hair salon. A hair salon is currently an approved use in the Home Occupation Ordinance as long as the property owner is a

resident in the home. The current property owner does not live in the home but has operated the business for many years. The property owner would like to sell the property and a prospective buyer would like to put a Massage Therapy business in the building. One way to solve this immediate problem would be to add Massage Therapy to the ordinance listing acceptable Home Occupations.

Spot zoning has been discussed in the past and is not typically appropriate only for the reason of financially benefiting a single individual. Zoning changes should take into consideration whether it is a benefit for the city as a whole going forward. Mr. Randall also advised that there has been no record located within city records of a lot split involving this property. Anytime action deviates from the original plat, such an action must come through the Planning & Zoning Commission as well as City Council for approval. It should then be recorded with Lawrence County. Mr. Randall advised that would need to be corrected prior to the sale of the property.

Jacqueline Schutte, owner of the property advised that the property transfer was done by Larry Meyer and recorded at Mt Vernon. Mr. Randall advised that sale of the property might have been recorded but a formal lot split should have been done through the city.

Mrs. Schutte addressed the Planning & Zoning Commission and stated she has operated a hair salon on the property since 1986. She stated it is a small building and she would hate to see it become a low income home. She would rather see it remain a business than become a one bedroom house. She stated her clients come from out of town for her services then shop in Aurora. If the property is not allowed to remain a business the town would lose business.

John Marks, resident at 126 E College St, addressed the Commission stating the property has never been a problem as a commercial business. If sold as Residential as a one bedroom house it could quickly become a problem. He stated it would be a benefit to him and the neighborhood if the property was rezoned to Commercial.

Chairman Payne moved to close the Public Hearing at 6:44 p.m. Commissioner Farless seconded the motion. Motion passed with the following members voting aye on the motion.

AYES: Payne, Farless, Boyer, Engeldinger, Godwin

NAYES: None

Commissioner Boyer stated that he lives a half block away from the property of topic and is a client there. The building is nice and if turned into a one bedroom home could become junk. Mr. Boyer stated he would prefer to see the property rezoned to Commercial. He further stated that he was unaware of the lot split not being recorded properly through the city and that would have to be resolved. Mr. Boyer also stated that changing the Home Occupation Ordinance to accept Massage Therapy could also be effective.

Mrs. Schutte asked if the buyer would then have to go through the process of applying for a Special Use Permit.

Building Inspector Trent White advised if the property was not being used a residence as well the buyer would need to apply for a Special Use Permit.

Commissioner Boyer moved to recommend to City Council to approve rezoning the property to Commercial. Commissioner Farless seconded the motion. Motion passed with the following members voting aye on the motion.

AYE: Farless, Boyer, Engeldinger, Godwin

NAYE: None

ABSTAIN: Payne

C. Public Hearing, Aurora R-8 School District, Vacate Lewis Shaw Drive

Chairman Payne moved to open the public hearing at 6:51 p.m. Commissioner Boyer seconded the motion. Motion passed with the following members voting aye on the motion.

AYES: Payne, Farless, Boyer, Engeldinger, Godwin

NAYE: None

Building Inspector White addressed the Commission stating the City was approached by the school district with a request to close Lewis Shaw Drive and expand the bleachers while coming into ADA compliance. Mr. White stated he had spoken to Dr. Travis Shaw, Superintendent of the Aurora School District. Mr. White advised the Commission that the staff recommendation is to not close the road. He further advised he had provided a plan to keep the road open while accommodating the school.

City Manager Randall advised that this item was considered by the Park Board who thought it would be ok to close the road or do a bypass if the city paid for it. Mr. Randall further advised that there are a couple options. One option is to close the street the entire width of the school property. Another option would be to build a bypass around the bleachers which would require the school to grant an easement to the city. Mr. Randall advised that Steve Woods, Department Head of the Public Works Department has provided a cost estimate of approximately \$19,000 for the construction of a new road. Mr. Randall stated that there are a few things to consider with this request. This is not a heavily traveled road but is an old road dating back to 1929. The road also is used for travel to White Park for ballgames as well as travel to the swimming pool.

Dr. Travis Shaw addressed the Planning & Zoning Commission stating there are two to three main issues at the football field. He stated the structure of the press box is deteriorating and needs replaced. The current depth of the press box is smaller than usual minimum. Dr. Shaw further stated that the current bleachers have a capacity and design issue. The current bleachers sit directly to the ground on the track. A new design would raise the bleachers to a traditional 3 to 4 feet height requiring the addition of rows. This would take the bleachers further West running into Lewis Shaw Drive. Dr. Shaw stated he has not initiated the design and bid process at this time as the request to close the street was the first step.

John Conn, resident at 502 W Pleasant Street, addressed the Planning & Zoning Commission stating he uses Lewis Shaw Drive a lot. If Lewis Shaw Drive was closed it would add three quarters of mile to his natural route leaving or coming to his house. Mr. Conn further stated that he is not opposed to a bypass but opposes closing the street completely.

Building Inspector White stated he has been watching the intersection and it gets heavier traffic than he realized.

JD Pilkenton, resident at 700 W Pleasant Street, addressed the Planning & Zoning Commission stating he is strictly opposed to Lewis Shaw Drive being closed. Mr. Pilkenton further stated that closing the street would cause havoc. There is little parking at the school and people would have nowhere to go.

Mark Gripka, resident at 701 W Pleasant Street, addressed the Planning & Zoning Commission stating he also opposes the closure of Lewis Shaw Drive.

Mr. Gripka stated Lewis Shaw Drive is a very busy street and parking for any sports event is horrible. People park in front of his driveway blocking it. Mr. Gripka stated numerous issues would need to be addressed before even thinking about closing the street.

Trudy Gripka, resident at 701 W Pleasant Street, addressed the Planning & Zoning Commission stating that if the street was closed parking would become an even bigger mess.

Karen Campbell, resident at 705 W Pleasant Street, addressed the Planning & Zoning Commission stating she is really opposed to the closure of Lewis Shaw Drive. Mrs. Campbell further stated that there is already an awful lot of traffic up and down her street and closing Lewis Shaw Drive would just increase traffic. Mrs. Campbell stated she would like to see a lot more thought and plans take place before considering the proposal from the school.

Commissioner Boyer moved to close the public hearing at 7:05 p.m. Commissioner Godwin seconded the motion. Motion passed with the following members voting aye on the motion.

AYES: Payne, Farless, Boyer, Engeldinger, Godwin

NAYES: None

Commissioner Farless stated right now we are only looking at the option or closing Lewis Shaw Drive or leaving it open. The school can negotiate with the City regarding other options.

Commissioner Farless moved to recommend to City Council not to vacate Lewis Shaw Drive. Commissioner Engeldinger seconded the motion. Motion passed with the following members voting aye on the motion:

AYES: Payne, Farless, Boyer, Engeldinger, Godwin

NAYES: None

D. Review request for addition of sidewalk at 627 E Church St

City Manager Randall made a brief opening statement regarding a handout of the plat for the property which had been passed out to Commission members. Mr.

Randall stated that this involves planning for the future. The City could proceed with expanding Porter Avenue further North in the future however, the City might be able to tie into the sidewalk being proposed built by this property owner. Mr. Randall further stated that he believes the property owner could be accommodated with a Conditional Use Permit containing three stipulations.

Building Inspector White stated that Porter Avenue is currently 33' wide. Take that from the 66' easement and that leaves approximately 8' on each side for a sidewalk. Mr. White further stated that he also believes the City would not be opposed to the request as long as the 3 stipulations were met.

Bajram Begzatoski, property owner at 627 E Church Street, addressed the Planning & Zoning Commission stating he has done a remodel to the building previously and his intention is to make the business look nicer for the customers and the city. Mr. Begzatoski further stated that the sidewalk would protect the gas meter alongside the building from being struck by a vehicle. This would also allow more adequate space for handicap patrons.

Berry Merrul, contractor for Bajram Begzatoski, addressed the Planning & Zoning Commission stating rain water runs into the building. Mr. Merrul stated the proposed sidewalk would detur that runoff from coming in the building and cause it to drain properly. People have fallen due to damage from water running toward the building. Mr. Merrul further stated that he would be doing most of the work and would coordinate with Inspector White to follow code and request all necessary inspections.

Chairman Payne addressed the questions for Finding of Fact with the Commission and the following determinations were made.

Does it serve the convenience and general welfare of the public? YES

Does it make an adverse impact on the neighborhood? NO

Does it adversely affect surrounding property and property values? NO

Does it serve the neighborhood in some degree? YES

Does it protect the neighborhood interest? YES

Does it altar the character or nature of the development of the neighborhood?
YES

Will it be in basic harmony with the various elements and objectives of the master plan? YES

Does it comply with the requirements established for that conditional use? Yes,
with the following stipulations:

- Sidewalk must comply with the American Disability Act (ADA) current specifications.
- The sidewalk is to be removed by the current owner (at the time of expansion, if necessary) for the City to extend Porter Avenue North of Church Street.
- This Conditional Use Permit is specific to this applicant and this location, and the permit is nontransferable.

Commissioner Boyer moved to recommend to City Council approving the request contingent on the three stipulations:

- Sidewalk must comply with the American Disability Act (ADA) current specifications.
- The sidewalk is to be removed by the current owner (at the time of expansion, if necessary) for the City to extend Porter Avenue North of Church Street.
- This Conditional Use Permit is specific to this applicant and this location, and the permit is nontransferable.

Commissioner Farless seconded the motion. Motion passed with the following members voting aye.

AYES: Payne, Farless, Boyer, Engeldinger, Godwin

NAYES: None

V. Public Comment/Discussion

No public comment.

VI. Department Report

None.

VII. Adjournment

Commissioner Boyer moved to adjourn the meeting at 7:35 p.m. Commissioner Farless seconded the motion. Motion passed with all in favor.



Regina Payne, Chairman

ATTEST:

Carrie Howlett

Carrie Howlett, Secretary