

Minutes
Planning and Zoning Commission
October 3, 2017

The regular meeting was called to order at 5:00 p.m. at City Hall.

The following members answering roll call: Dennis Thrasher, Dallas Gramm, Rick Fobair, and David Wright. The following city personnel were also in attendance, City Administrator Max Springer, and Code Enforcement Officer Bruce Conway, Public Works Director Trainee Joe Kelley, and City Attorney Bill Petrus. Absent was Dave Eden, and Public Works Director Gene Stanton.

Guests registering their attendance are listed on the sign-in sheet attached to and made part of the minutes.

Agenda:

Chairman Thrasher presented the agenda for October 3, 2017 to the Commission with the following changes to New Business.

1. John Matchner fence
2. Bruce Conway's property on Fillmore Street
3. Bruce Conway's property adjacent to his residence at 311 W. Cherry St.

Wright made a motion, seconded by Fobair to approve the agenda with changes.

With all present members voting in favor, Chairman Thrasher declared the motion approved.

Minutes:

Minutes of the last meeting, which was held on Tuesday, September 5, 2017 were presented to the Commission for approval.

Fobair made a motion, seconded by Gramm to approve the minutes.

AYES: Fobair, Gramm, Wright, Thrasher

NOES: None

ABSTAIN: None

ABSENT: Eden

With all present members voting, Chairman Thrasher declared minutes approved.

Review Apiary Text changes and set public hearing

Springer stated that they did not have the text completed for the Apiary Code. Tristan Dennis raises bees in the city limits and was present to answer any questions the commissioners might have. Discussion was held.

Chairman Thrasher directed Conway and city staff to write a code for Apiaries and bring back to the next meeting on November 7, 2017.

New Business: Capital Improvements Budget

Springer handed out capital improvement projects planned up to 2023. Discussion was held.

Conway stated that John Matchner of 1524 Kevin Drive has a corner lot is requesting to install a 10 or 12 foot privacy fence as a sound barrier from the interstate. The City code states that the fence cannot be over 6, but the commissioners can allow up to an 8 foot privacy fence. Discussion was held.

Wright made a motion to authorize John Matchner to build an 8 foot privacy fence at 1524 Kevin Drive. Seconded by Fobair with all present members voting in favor, Chairman Thrasher declared the motion approved.

Conway presented a map of Lot 25 he owns off of Fillmore Street. He feels that the City has caused his property to become landlocked due the City never developing Fillmore St. Conway stated that he received this property in lieu of payment for doing some work for a previous land owner several years ago and was going to develop this property but cannot because of lack of any ingress.. Springer stated it is the responsibility of the developer to finish the street not the city. Discussion was held.

Conway presented a map of his property on 311 W Cherry Street lot 11 and the barnyard adjacent to and across the alley his house. He purchased from Nyanzia Garner (Lot 13) 325 S West St. Conway stated there are city utilities in the alley behind his house as well as a concrete area that carries storm water from South West St. into the barnyard. Conway stated he started grading the property to add additional storm water piping, but found the culverts were too expensive to purchase. Conway is stating there is no documentation but has been told by Mrs. Garner that Jack Swearingen started building this underground storm water piping years ago to keep from flooding the houses on S West Street. When there are large rains the water bubbles up above ground due to the unfinished piping. Conway stated that he could dig it all up and cause the houses on S West Street to be flooded or the city could finish what they supposedly started.

Fobair made a motion to have the city come to agreement with Bruce Conway to fix the storm water issue so that flood waters do not flood S West Street and proceed to council. Seconded by Gramm.

AYES: Fobair, Gramm, Thrasher

NOES: Wright,

ABSTAIN: None

ABSENT: Eden

With all present members voting, Chairman Thrasher declared the motion approved.

Old Business:

None

Minutes Approved with changes December 5, 2017

Public Hearing: Case #2017-10-03-06, Walnut's Apartments, Chris Gatley-Conditional Use Permit.

Public Hearing started at 6:19 pm.

On June 3rd 2008 Planning and Zoning Commission approved a conditional use permit for Efficiency Apartments. Conditions were the owner would continue to maintain existing property line fencing as to not allow vehicular through traffic to or from any adjoining residentially zoned districts.

The owner would maintain an on-site, full time property manager that will reside on the premises.

City Attorney Petrus asked Conway multiple questions concerning the Walnut Street Apartments at 301 W Mt. Vernon Blvd from Conway's Daily Inspection Log sheets. Conway has documented when the gate is open, documented what the tenants told him about managers on the property. Conway has taken pictures to prove the gate is open and people can drive thru the gate to Blaze Road.

Petrus asked Conway if Mr. Gatley had been notified about this public hearing tonight, Conway stated that he mailed a certified letter to Gatley, to the bank and anybody that might have interest in this property from the recorder of deeds The mailing was sent more than 10 days prior to meeting with a copy of the application for the conditional use permit and a Certified copy of the ordinance.

Micheal Aust was present and stated that he lives there but is not the manager and there is no manager on site.

Petrus told the commission that he wanted them to hear all the evidence about this property and make a decision if they want to revoke the conditional use permit.

Public Hearing closed at 6:45 PM.

Fobair asked if we revoke what happens, Petrus stated the historical version of this property was a hotel and the building was too small for apartments, the City amended the code to create efficiency apartments with a conditional use permit. So we will terminate Gatley's Conditional use permit and Gatley will have to apply for a new conditional use permit. If property sells they will have to apply for the conditional use permit.

Petrus said he did receive a call from Gatley at 4:20 pm and he asked for a continuance on the public hearing and Petrus said no.

Fobair made a motion to revoke conditional use permit and proceed to council. Seconded by Gramm.

Public Comment:

None

With no further business to come before the Commission, Chairman Thrasher declared the meeting adjourned at 6:50 pm.

Respectfully submitted,

Dennis Thrasher, Chairman
Shari Weldy
Secretary Designee