

MINUTES
PLANNING COMMISSION
March 25, 2010
7:00 P.M. – COUNCIL CHAMBER

	<u>Name</u>	<u>Attendance</u>
MEMBERS PRESENT:	Bob Bucher	(3-0)
	Jerome Goolsby	(3-0)
	Joseph Morrey	(3-0)
	Jason Park	(2-1)
	Bruce Taylor	(2-1)
	Steve Wenger	(2-1)
MEMBERS ABSENT:	Ann Fisher	(1-2)
	Reba Hebert	(2-1)
	Mark Manville	(1-2)

Quorum Present. Five members constitute a quorum.

OTHERS PRESENT: Mike Kellam, City Planner
Ted Elo, Assistant City Attorney
Roger Sparks, City Engineer
Vicki Johnson, Assistant City Planner

Call to Order Chairman Wenger read the regulations adopted by the Planning Commission. He stated that there is a certified copy of Chapters 11, 26 and 31 of the Code of Ordinances available for reference if needed. He then called the meeting to order.

Minutes Mr. Wenger asked for corrections and/or additions to the minutes of the meeting of February 25, 2010. Jerome Goolsby made a motion to approve the minutes as submitted. Bruce Taylor seconded the motion and Chairman Wenger called for the vote.

VOTE: Bucher – yes, Goolsby – yes, Morrey – yes, Park – abstain, Taylor – yes, Wenger – yes.
Ayes – 5, Nays – 0, Abstain – 1. Quorum vote is five votes. Motion passes.

Postponements/Adjustments to Agenda Chairman Wenger said there are no postponements or adjustments and there is nothing on the consent agenda and nothing on old business for this meeting.

New Business:

ITEM #1 JIM MASONER – Requesting approval of a Conditional Use Permit to operate an Auction House at 5518 Miller Road on property presently zoned R-1A Single Family Residential District.

Staff recommendation: Conditional Approval

Mike Kellam said he has nothing to add to the staff report except that staff has a change to request on condition number six. That original condition was recommended by the Fire Dept. based on Mr. Masoner having an assembly use, which would require all the auctions take place outside of the barn where Mr. Masoner will hold a portion of his auction. We discussed this with Mr. Masoner and were able to find a suitable solution where we would limit the occupancy to below 49 people in that building. This would classify his auction as a business occupancy versus assembly. Being classified as a business will allow him to have some sales inside the barn. Mike explained that Mr. Masoner frequently has furniture and other similar items that could be damaged out-of-doors if the weather happened to be bad. The Fire Dept. has agreed to this solution. The email that you received from Les Beattie to Vicki stating their regulations, includes a stipulation that the barn door should be at least 36" wide and should always be (during the auctions) to allow for proper egress in case of emergency. Other regulations they recommend include not allowing any gasoline or hazardous materials to be stored in the enclosed area or where the public would be. Based on this information, staff recommends amending condition #6 to the condition placed on this application as written by Mr. Beattie in the email of Tuesday, March 23, 2010.

Mr. Morrey asked what would result if there were more than 49 people inside the barn. Mike said Mr. Beattie's email says if he violates the conditions, he can be fined. Mr. Morrey said any staff would have to be included in that 49 people, so only about 45 customers could be inside the barn without violating this condition. Mike said the only other alternative would be to sprinkle the building, provide additional egress, exit signs, etc.

Mr. Bucher stated that there are a number of neighbors in favor of this; he asked if any opposition was received. Mike said no.

Jim Masoner, Sr., 5518 Miller Road, stated that he owns 38 acres of ground at this location. He said he is a professional auctioneer. He explained that at every auction, there are a few things that are left. No one in this area who handles those left over materials and in many cases, they might end up in the landfill. In addition, he explained that there is the occasional renter who passes away and their possessions have to be removed. In each of these cases, there is not enough merchandise to hold a regular auction. He does not have full estate auctions at this address. Most sales of that size are done on-site.

Mr. Masoner explained that his barn is 60 ft. x 70 ft. He said he mainly uses it to store his tractors. In addition, he stores this extra merchandise in the barn until he has enough to hold an auction. He said those do not happen on a regular schedule, but when there is sufficient merchandise.

Mr. Masoner stated that his property is large enough that parking is not a problem. He said occasionally, someone will park along Miller Road, but it has not yet caused a traffic problem.

The attendance at the auctions is anywhere from 30 to 150 patrons. Much of the auction is done out-of-doors, such as lawn mowers. He said he has a separate building that he uses for storage of gasoline and oil. Most sales are finished within 4 hours.

The door at the front of the barn is 16 ft. x 14 ft. which is always open during auctions. On the back of the barn, the door is 8 ft. x 8 ft., also always open during auctions. There are four fire extinguishers mounted in the barn.

Mr. Masoner said he would appreciate it if the commission would approve his request.

No one else appeared to speak in favor of this request and no one appeared to speak in opposition. Chairman Wenger closed the public hearing.

Ted said the sixth condition needs to read, "No more than 49 people will be allowed inside the auction barn at any one time, it must be posted as such, both doors to the auction barn must remain open during the entire auction process, and the auction barn must in all ways comply with the 2006 Fire Code."

Jerome Goolsby made a motion to replace condition #6 with the above stated condition. Bob Bucher seconded the motion. Chairman Wenger called for the vote on the language change.

VOTE: Bucher – yes, Goolsby – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes.
Ayes – 6, Nays – 0. Quorum vote is five votes. Motion passes.

The amendment of conditions for approval has been approved.

There was no additional discussion about the conditional use permit. Chairman Wenger called the question on the conditional use permit with the first five conditions as stated in the staff report and the sixth condition as amended. Recommended conditions are:

1. The auctions will be limited to no more than 8 per calendar year.
2. The auctions will be limited in time to one full day and no more than one per week.
3. No outside storage of auction items shall be permitted, other than during preparation of the auction; upon completion of the auction, the items shall be promptly removed and stored inside.
4. No parking along Miller Road shall be permitted; all parking shall be on the applicant's property within a designated area.
5. The auctions will be limited to household items, farm goods and equipment. No livestock shall be permitted to be auctioned.
6. No more than 49 people will be allowed inside the auction barn at any one time, it must be posted as such, both doors to the auction barn must remain open during the entire auction process, and the auction barn must in all ways comply with the 2006 Fire Code.

VOTE: Bucher – yes, Goolsby – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes.
Ayes – 6, Nays – 0. Quorum vote is five votes. Motion passes.

This item will be forwarded to the City Council with a recommendation of **APPROVAL with conditions** from the Planning Commission.

Mike reminded Mr. Masoner that this is only a recommendation to the City Council. He can check with the City Clerk's office for the date the Council will vote on this for final approval.

ITEM #2 CITY OF ST. JOSEPH – Requesting the vacation of an east/west portion of Lafayette Street from 4th Street east to the centerline of 5th Street being approximately 330 feet in length with a width varying from 33 feet to 60 feet.

Staff recommendation: Conditional Approval

Mike said he has nothing to add to the staff report. Staff recommends conditional approval. The recommended conditions are:

1. The City shall retain an easement over the entire vacated area, exclusive to the City of St. Joseph and its franchisees or licensees for any existing utilities and any future sanitary sewer or storm water facilities owned and/or operated by the City. This easement shall be superior to all other uses.
2. Adjacent property owners shall not construct any improvements over the easement with the exception of pavement for parking area or fences. Construction of fences across the easement shall be at the property owner's risk.

Mr. Wenger asked is the City's obligation, even if we vacate, is still to maintain the storm water. Will the city have adequate access to that? Mike said the easement will be retained for access to the property to run any new storm water or sanitary sewer line. This area utilizes combined sewer at this time, and with the combined sewer overflow Clean Water Act, the City is required to separate the two. Therefore, we hope to utilize the existing right-of-way to reroute either storm or sanitary sewer, separate the two. In addition, any existing utilities that may be present would be allowed to remain and be allowed access for maintenance.

Joe Morrey asked if this is currently an alley way. Mike said it is a platted street but has never been improved as such. Mr. Morrey asked if it goes all the way to 6th Street. Mike said yes; the hashed area on the drawing is the area that would be vacated. Mike said the area between 6th Street and the middle of 5th Street will remain open. The white topped building utilizes that for their trucking dock in the rear. The property owners who will acquire this vacated right-of-way have agreed to allow them to use this area for turn around and for backing up their trucks to the truck dock.

Bruce Taylor asked if the storm sewer proposed or is it already there. Mike said there is currently nothing there, but we are trying to retain easements on existing right-of-ways when they are vacated within combined sewer areas so if we ever need to utilize them for the routing of any new sewer, we have access rather than trying to acquire property. Mr. Taylor said it appears that part of the building is in the right-of-way now. He asked if any new sewer would need to go underneath that building. Mike said the aerial map has some shift, and the building is not actually within the right-of-way, but is built to the lot lines.

Mr. Taylor asked what the Quiet Zone is. Mike explained that the Quiet Zone is an initiative that the City has been working on with the railroads and MoDot for about 7 years. Under normal circumstances, every time a train rolls through town, they are required to sound their horn three or four times when they come to a crossing of a street. The Quiet Zone allows for barricades at those streets to prevent any through traffic across the railroad track. By doing that, the railroad agrees to not sound their horns which are extremely loud. This is part of our downtown revitalization effort to make it a more attractive area for social and economic development.

There were no further questions or discussion. Chairman Wenger called for the vote.

VOTE: Bucher – yes, Goolsby – yes, Morrey – yes, Park – yes, Taylor – yes, Wenger – yes.
Ayes – 6, Nays – 0. Quorum vote is five votes. Motion passes.

This item will be forwarded to the City Council with a recommendation of **APPROVAL with conditions** from the Planning Commission.

ITEM #3 REPORT FROM CITY PLANNER/GENERAL DISCUSSION

- Mike said we currently have one minor subdivision application for the April meeting; the deadline is tomorrow.
- Mr. Wenger said during the slow time, it would be a good time to revisit some of the possibilities that surfaced during the land use planning and some of your priorities and maybe two or three of the items that the commission is interested in, such as the riverfront, in-fill, those sorts of things. Mike asked if there is anything in particular he wants to discuss. Mr. Wenger said they are interested in Mike's list and comparing them so we stay congruent with city staff's interest as well.
- Joe Morrey commented that the walking trails have been extended north. Mike said yes, there is now continuous connectivity from the ballpark at Heritage Park to downtown.
- Mike said there will also be construction on the docks beginning this spring. Jason Park asked if that will be finished during this construction season. Mike said June 1 is the ideal completion date; however, that is subject to change.

There being no further business, Mr. Wenger adjourned the meeting at 7:45 p.m.

cc: City Clerk
Planning Commission Members
Clint Thompson, P&CD Director
Ted Elo, Assistant City Attorney
Mark Townsend