

Planning & Zoning - Meeting Minutes
April 16, 2012 6:30 pm

The Wright City Planning & Zoning Commission met for their regular monthly meeting on Monday April 16, 2012 at 6:30 pm in City Hall.

The following were present: Committee members Jim Toothman, Mayor David Heiliger, Chairman Tony Girono, Dan Rowden, Tony Midiri, Sal Gertken and John O'Connor. City employees present were Harry Harper and Planning & Zoning Clerk Pam Taylor.

Others present and signed in were: Tom Black, Angie Reynolds, Tom Dixon, Bill Junk, Earl Requat, Harold Kerr, Catherine Van Herreueghe, James Van Herreueghe, Chris Gaines, Nicci Fears, Justin Fears, Ralph Key, Everette Green, Robert Miller, Monte Cannon, Matt Ruge, Joe Williams, Aaron Hollaway and David Shaiper.

Call to Order

Chairman Tony Girono called the meeting to order at 6:30 pm.

Minutes

John O'Connor made a motion to approve the minutes of March 19, 2012. Sal Gertken seconded it and the motion unanimously carried.

Public Comments/Concerns – None

Public Hearing

- A. **Request for a Conditional Use Permit as needed under Wright City Municipal Code, Section 400.050c. Conditional Use Permit Application from Fearsome Productions LLC to operate a Haunted Attraction to be located at 305 S.E. 1st Street, Wright City, Missouri.**

Justin and Nicci Fears were present. Mr. Fears said Fearsome Productions LLC has been dissolved because their partners backed out. He said they will be continuing as Fearsome Entertainment with everything else being the same except he will be the CEO and his wife Nicci will be the CFO. Mr. Fears said they will be applying for a new Conditional Use Permit under the new company name. He also said he has talked to Bob Barclay with the Brickkicker Inspection Service and Mr. Fears said he will be sending Mr. Barclay a new layout and plans. Mr. Fears said they do plan to move forward with the same business plan. Chairman Tony Girono asked if it is going to be in the same place. Mr. Fears responded it will and they will be obtaining all the necessary permits. Mr. Fears stated the floor plans that were previously submitted are not accurate since they were unable to purchase the items needed for that layout, so new drawings will be submitted at a later date. Mr. Fears also added they will have shuttle buses to take people from the parking lot to the attraction and back so there will not be pedestrian traffic on the road. He said there will also be security on patrol.

Chairman Tony Girono closed the public hearing.

- B. **Request for a Conditional Use Permit as needed under Wright City Municipal Code, Section 400.050c. Conditional Use Permit Application from David Shaiper for Retail Sales of Fireworks to be located at 275 W.N. Service Road, Wright City, Missouri.**

David Shaiper was present and said he will be selling fireworks just like last year.

Angie Reynolds said she is reporting an incident that was reported to her, she stated she was told by someone who lives near this fireworks stand there were fireworks being shot off from the stand toward nearby houses. She stated the person reported to her they approached the fireworks sales tent and asked them not to continue shooting fireworks and the person was given a rude response and were told to leave the premises. Mr. Shaiper responded the police had come by the tent on one occasion and asked if he was shooting off fireworks and he told them he had not been shooting off any fireworks, however, he told the officer he did see some kids down the road shooting them. He said the police officer left to speak with the kids. Chairman Tony Girondo asked Mr. Shaiper if a police report was made. Mr. Shaiper responded he didn't believe there had been. Dan Rowden asked about info on Mr. Shaiper's fire retardant tent. Mr. Shaiper said he turned that information in to the Fire Department. Chairman Tony Girondo closed the public hearing.

C. Request for a Conditional Use Permit as needed under Wright City Municipal Code, Section 400.050c. Conditional Use Permit Application from Meramec Specialty Company to operate a Seasonal Fireworks Sales Tent to be located at 209 North East Service Road, Wright City, Missouri.

Tom Dixon was present and said they will be operating at the same location as the past years and plans to operate the same as they have in the past. Dan Rowden asked why they stay open until midnight or one in the morning. Mr. Dixon responded since they are near the highway they want to accommodate the business flow, especially when it gets closer to July 4th. Chairman Tony Girondo stated Mr. Dixon works with the Wright City High School band and they employ a lot of the band students from the high school. Chairman Tony Girondo closed the public hearing.

D. Request to consider Rezoning as needed under Wright City Municipal Code, Section 400.050c, a 14 acre tract of land belonging to the Wright City Lion's Club located at 676 Westwoods Road in the City limits of Wright City from C-4 General Commercial to Park/Scenic.

Earl Requat was present and read a letter which he said the Lion's Club members voted unanimously on at their last meeting. The letter states the Lion's Club members would like to keep their property zoned as C-4. Mr. Requat said the Lion's Club was not contacted by anyone in regards to the rezoning. Mr. Requat gave the letter to Chairman Tony Girondo. He said they also do not understand why the city wants to rezone at this time. Two people spoke up and said they agree with Mr. Requat about the rezoning request and agree it should be left as it is. Harold Kerr wanted to know why the property was ever zoned C-4 in the first place, he also asked if the Lion's Club decided to move could a shopping center be put on that property. John O'Connor said he wasn't around when the property was zoned C-4, so he can't answer why it was done. John O'Connor also said the Planning & Zoning Commission had received information indicating the Lion's Club wanted the rezoning to take place. Mr. Requat said he has been a member of the Wright City Lion's Club for 45 years and he doesn't know of anytime when the Lion's Club wanted this rezoned done. Chairman Tony Girondo said because of the residential all around the Lion's Club property most of those people would not want a shopping center or something similar to go on that property if the Lion's Club decided to sell the property and by zoning it Park/Scenic it would protect the residential area from something like that. An unidentified man asked what can be put on the property as it is zoned. Chairman Tony Girondo responded a strip mall, grocery store or dentist is just some of the businesses. The same unidentified man asked what can be done if the property is zoned Park/Scenic. Chairman Tony Girondo responded nothing that is allowed in C-4 would be allowed by Park/Scenic, but what the Lion's Club is currently doing would be fine. Chairman Girondo also stated if the property is sold as C-4 then anything could be put there,

he said the City's concern is a possible future owner not the current owner. Chairman Tony Girondo stated the Planning and Zoning Commission is trying to protect the Lion's Club and the property owners on each side of the Lion's Club property by controlling the zoning of the Lion's Club property.

Matt Ruge asked if the Planning and Zoning Commission knew of another municipality that has changed a property zoned Commercial to Park/Scenic without the municipality purchasing the property or the property owner offering it to be Park/Scenic. John O'Connor said the Planning and Zoning commission was acting on information they received that the Lion's Club wanted this zoning change to take place. Mr. Ruge added he doesn't know of a time when the Lion's Club wanted the property rezoned. Mayor David Heiliger responded the subject was discussed at one time and when it was discovered the Lion's Club would have to give up ownership the Lion's Club was no longer interested.

Chairman Tony Girondo closed the public hearing.

- E. Request to amend the Municipal Code of the City of Wright City, Missouri paragraph 'A' of subsection 6. Additional Sign Regulations of Section 430.120 C-4 General and Highway Business District, of Chapter 430 Commercial Districts, Title IV of the Zoning Code of the Municipal Code of the City of Wright City, Missouri.**

John O'Connor stated the ordinance currently states billboards are allowed in Light Industrial zoning and the proposed changes would allow them to be on Commercial zoned properties with a Conditional Use Permit.

Chairman Tony Girondo closed the public hearing.

- F. Request to consider Rezoning as needed under Wright City Municipal Code, Section 400.050c, a 9.98 acre tract of land located near the southwest corner of Westwoods Road and Bell Road in the City limits of Wright City from M-1 Light Industrial to C-4 General Commercial.**

Monte Cannon was present and asked if there had been any thought of compensation to the property owner's when the city wants to do a rezoning since on this property the value will go down. Chairman Tony Girondo said the Board of Alderman would have to answer any questions related to this. John O'Connor stated commercial property is usually worth more than industrial. Chairman Tony Girondo stated since the City does have an industrial park; the Planning and Zoning commission is trying to prevent a smoke stack type industrial company from purchasing property along the interstate corridor, while protecting the property owners along the interstate corridor.

Chairman Tony Girondo closed the public hearing.

- G. Request to consider Rezoning as needed under Wright City Municipal Code, Section 400.050c, a 25.48 acre tract of land located the northwest corner of Bell Road and West North Service Road in the City limits of Wright City from M-1 Light Industrial to C-4 General Commercial.**

Chairman Tony Girondo stated the same things apply to this public hearing as the previous public hearing.

Chairman Tony Girondo closed the public hearing.

New Business/ Recommendations to the Board of Aldermen

- A. Request for a Conditional Use Permit as needed under Wright City Municipal Code, Section 400.050c. Conditional Use Permit Application from Fearsome Productions LLC to operate a Haunted Attraction to be located at 305 S.E. 1st Street, Wright City, Missouri.**

Dan Rowden made a motion to table a decision on this public hearing until further information is received. John O'Connor seconded the motion since there is nothing to approve at this time. The motion unanimously carried

Dave Heiliger – yes
Jim Toothman – yes
Tony Girondo – yes
John O' Connor - yes

Tony Mldiri - yes
Dan Rowden - yes
Sal Gertken - yes

B. Request for a Conditional Use Permit as needed under Wright City Municipal Code, Section 400.050c. Conditional Use Permit Application from David Shaiper for Retail Sales of Fireworks to be located at 275 W.N. Service Road, Wright City, Missouri.

Chairman Tony Girondo made a motion to approve the Conditional Use Permit with the stipulation there was no police report made in the fireworks shooting incident. Sal Gertken seconded it and the motion unanimously carried

Dave Heiliger – yes
Jim Toothman – yes
Tony Girondo – yes
John O' Connor - yes

Tony Mldiri - yes
Dan Rowden - yes
Sal Gertken - yes

C. Request for a Conditional Use Permit as needed under Wright City Municipal Code, Section 400.050c. Conditional Use Permit Application from Meramec Specialty Company to operate a Seasonal Fireworks Sales Tent to be located at 209 North East Service Road, Wright City, Missouri.

John O' Connor made a motion to approve the Conditional Use Permit. Sal Gertken seconded it and the motion unanimously carried.

Dave Heiliger – yes
Jim Toothman – yes
Tony Girondo – yes
John O' Connor - yes

Tony Mldiri - yes
Dan Rowden - yes
Sal Gertken - yes

D. Request to consider Rezoning as needed under Wright City Municipal Code, Section 400.050c, a 14 acre tract of land belonging to the Wright City Lion's Club located at 676 Westwoods Road in the City limits of Wright City from C-4 General Commercial to Park/Scenic

John O'Connor made a motion to table a decision on this rezoning request and discuss it further at the next workshop meeting. Mayor Dave Heiliger seconded the motion and the motion unanimously carried.

Dave Heiliger – yes
Jim Toothman – yes
Tony Girondo – yes
John O' Connor - yes

Tony Mldiri - yes
Dan Rowden - yes
Sal Gertken - yes

E. Request to amend the Municipal Code of the City of Wright City, Missouri paragraph 'A' of subsection 6. Additional Sign Regulations of Section 430.120 C-4 General and Highway Business District, of Chapter 430 Commercial Districts, Title IV of the Zoning Code of the Municipal Code of the City of Wright City, Missouri

John O'Connor made a motion to approve amending the Municipal Code of the City of Wright City. Sal Gertken seconded the motion and the motion unanimously carried.

Dave Heiliger – yes
Jim Toothman – yes
Tony Girono – yes
John O' Connor - yes

Tony Mldiri - yes
Dan Rowden - yes
Sal Gertken - yes

F. Request to consider Rezoning as needed under Wright City Municipal Code, Section 400.050c, a 9.98 acre tract of land located near the southwest corner of Westwoods Road and Bell Road in the City limits of Wright City from M-1 Light Industrial to C-4 General Commercial.

Chairman Tony Girono made a motion to table the decision on this rezoning request and discuss it further at the next workshop meeting. Sal Gertken seconded the motion and the motion unanimously carried.

Dave Heiliger – yes
Jim Toothman – yes
Tony Girono – yes
John O' Connor - yes

Tony Mldiri - yes
Dan Rowden - yes
Sal Gertken - yes

G. Request to consider Rezoning as needed under Wright City Municipal Code, Section 400.050c, a 25.48 acre tract of land located the northwest corner of Bell Road and West North Service Road in the City limits of Wright City from M-1 Light Industrial to C-4 General Commercial.

Sal Gertken made a motion to table the decision on this rezoning request and discuss it further at the next workshop meeting. Dan Rowden seconded it and the motion unanimously carried.

Dave Heiliger – yes
Jim Toothman – yes
Tony Girono – yes
John O' Connor - yes

Tony Mldiri - yes
Dan Rowden - yes
Sal Gertken - yes

H. Election of officers (Chairman, Vice-Chairman and Secretary)

Tony Midiri made a motion to re-nominate Tony Girono as Chairman. Sal Gertken seconded it and the motion unanimously carried.

Dave Heiliger – yes
Jim Toothman – yes
Sal Gertken – yes

Tony Mldiri - yes
Dan Rowden - yes
John O' Connor - yes

Chairman Tony Girono made a motion to re-nominate John O'Connor as Vice-Chairman. Tony Midiri seconded it and the motion unanimously carried.

Dave Heiliger – yes
Jim Toothman – yes
Tony Girono – yes

Tony Mldiri - yes
Dan Rowden - yes
Sal Gertken - yes

Chairman Tony Girondo made a motion to re-nominate Tony Midiri as Secretary. Sal Gertken seconded it and the motion unanimously carried.

Dave Heiliger – yes
Dan Rowden – yes
Sal Gertken – yes

Jim Toothman – yes
Tony Girondo – yes
John O’ Connor - yes

The Chairman will be Tony Girondo, the Vice-Chairman will be John O’Connor and the Secretary will be Tony Midiri.

Old Business/ Recommendations to the Board of Aldermen

- A. Comprehensive Plan - Nothing was discussed
- B. Discussion of Commercial Zoning Uses
 - 1. Access Road
Chairman Tony Girondo said since the school district owns this property there is no action needed.
- C. Quick Code – Inconsistencies and Referencing Issues (see attached)

Tony Midiri said they worked on this at workshop and made some changes, so he thinks they should table working on this until those changes are received. Chairman Tony Girondo agreed.

Reports

Building Official – Given by Harry Harper

Commissioner Comments

Jim Toothman asked about the storm siren repairs. Harry Harper responded they are still working with Fred on this and the parts have been ordered.
John O’Connor said he thinks they should not move forward with any other changes to the master plan until the Planning and Zoning Commission has had several more meetings to get a better understanding on what needs to be done.

Adjournment

John O’Connor made a motion to adjourn. Dan Rowden seconded it and the meeting adjourned at 7:40 pm.

Approved _____

Attested _____