

**Planning & Zoning - Meeting Minutes
December 19, 2011 6:30 pm**

The Wright City Planning & Zoning Commission met for their regular monthly meeting on Monday December 19, 2011 at 6:30 pm in City Hall.

The following were present: Committee members Mayor David Heiliger, Alderman Jim Schuchmann, Chairman Tony Girono, Dan Rowden, Sal Gertken, Tony Midiri and John O'Connor. City employees present were Planning and Zoning Clerk Pam Taylor and Superintendent of Public Works Larry Janish.

Others present and signed in were: Robert Barclay, Gina Allen, Jim Toothman and Tom Black. Present and not signed in were: Dale Schaper, Brenda Schaper, Bev Ehlen and Jason Edge.

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 November 21, 2011. Dan Rowden seconded it and the motion unanimously carried.

Public Comments/Concerns – None

Public Hearing

Request for a Conditional Use Permit as needed under Wright City Municipal Code, Section 400.050 c. Conditional Use Permit Application from Jason Edge to use the residential area of commercial property located at 14980-B Veterans Memorial Parkway, Wright City, Missouri

Chairman Tony Girono asked the P & Z commission to look at the conditional use application and pointed out the name of the owner of the property at 14980-B Veterans Memorial Parkway, Chairman Girono stated he is the insurance agent for the property owner so he will abstain from any voting on this permit. Chairman Girono asked Jason Edge to explain what he wants to do with this property and the reason for his request. Mr. Edge stated a portion of the property was once used by the owners of the property as an apartment when it was a car lot. He stated there is still room for his office space, retail floor space and the apartment at this location, so he is requesting the permit to occupy some of the rooms that were once used as an apartment. He said he does not want his use of the residential area to hinder him from being able to use the building for his intended commercial use. Chairman Tony Girono asked Mr. Edge if he knows the square footage of the building and how it will be divided. Mr. Edge stated he does not know the total square footage; however it will be divided about half and half. Bob Barclay stated the building is about 1200 square feet total and a little over 500 square feet of that is planned for the residential area. John O'Connor wanted clarification on where the restroom is located; he said his understanding is the only restroom is located on the residential side. Bob Barclay said there would be access to the restroom from the commercial area by going down the hall through the residential area. He also said the building codes state not only employees but customers would have to have access to the restroom. He stated in addition Wright City's codes require residential area in a non residential district to be at least 1100 square feet and since the

residential area is so small he feels the city should limit the number of occupants in the residential area. Mr. Edge said he plans to keep his permanent residence in Montgomery City, however he plans to use the apartment as a safety feature should he work late and want to stay the night there. He also said he may want to bring a professional manager in to watch over the business for him to be able to take time off and he would allow the manager to stay in the apartment. Alderman Jim Schuchmann asked if Mr. Edge had any plans to rent the apartment and Mr. Edge responded he is not allowed to sublet. Alderman Jim Schuchmann asked if allowing someone to stay in the apartment would be considering subletting. Mr. Edge said he would be paying the manager to stay there in his absence and the manager would not be paying him rent.

Mr. Edge said the garage area is being renovated to expand the show room. Chairman Girondo asked what the time frame for completion is on that and if a restroom is planned for the show room area. Mr. Edge responded the renovation should be done in about 3 months and adding a restroom is not planned.

Dan Rowden asked what type of shop Mr. Edge is planning to open. Mr. Edge responded it is a tobacco and gift store with some adult novelty items and travel items such as batteries, sunglasses and newspapers. Dan Rowden also asked if Mr. Edge sees any parking issues associated with the building. Mr. Edge stated he is not aware of any parking issues. He said he has finished with the ADA compliance of the parking area striping and he will be putting up signs. Sal Gertken asked how many employees he will have and what the hours of operation will be. Mr. Edge responded he will have three employees within a year and the hours of operation will be 11 a.m. to 8 p.m, he is unsure if it will be seven days a week at this point. He also stated he had another tobacco shop in Encino California that he sold in 2006, which is still in operation.

Bev Ehlen, Warren County chapter leader of Concerned Women for America, said she has some concerns about this type of store being a tobacco/sex shop with drug and alcohol paraphernalia shop. She said she doesn't like the shop having a residential area since it is hard to control what goes on in the building at night. Dale Schaper said he also has concerns about the type of traffic that will be going in and out of the property. He said he also thinks the residential area is too small and the business type is too public to have the residential area in use. Chairman Tony Girondo closed the public hearing.

Old Business/ Recommendations to the Board of Aldermen

- A. Comprehensive Plan - Nothing was discussed
- B. Discussion of Commercial Zoning Uses – Nothing was discussed

New Business/ Recommendations to the Board of Aldermen

Request for a Conditional Use Permit as needed under Wright City Municipal Code, Section 400.050 c. Conditional Use Permit Application from Jason Edge to use the residential area of commercial property located at 14980-B Veterans Memorial Parkway, Wright City, Missouri.

Alderman Jim Schuchmann said he agreed with Bob Barclay's thoughts and concerns about the restroom being accessible to customers and employees and the occupancy load needs to be limited. Alderman Schuchmann asked if the restroom will meet ADA requirements. Bob Barclay responded a grab bar may need to be added. Sal Gertken asked if there would be any age limit on entering the shop. Mr. Edge said since it is not strictly a tobacco shop there is not going to

be any age limits on entering the shop. Mr. Edge added he will eventually have an adult room for ages 18 and up room. Dan Rowden asked for an explanation of what would be in the adult room. Mr. Edge responded it would contain adult videos and adult toys, he added the videos are the same as available at gas stations and the adult toys are like what's available in the family planning section area of the local Walgreens. Dan Rowden asked if there was going to be a smoking area on site. Mr. Edge said there will be tobacco available to sample but will not be smoked on site. Dan Rowden asked if he would be selling synthetic marijuana. Mr. Edge said he doesn't plan to sell this product, as he thinks its bad publicity and bad business. Chairman Tony Girondo addressed the P&Z commission and stated when they make their recommendations to the Board of Aldermen restrictions can be made. Mayor David Heiliger asked Bob Barclay about his restriction ideas. Bob Barclay responded there should be no more than two occupants in the residential area. Alderman Jim Schuchmann said the access to the residential area should be blocked and a restroom should be added to the show room area. He said he sees potential problems with mixing zoning uses mainly because the Police Department would not know who is actually moving around in the building at night. Alderman Jim Schuchmann made a motion to accept the conditional use permit with the restrictions that the access to the residential area would be blocked off from the show room area and an ADA accessible restroom would be added in the show room area. In addition the maximum occupants allowed for the residential area would be two. Dan Rowden seconded the motion and the motion unanimously carried.

Vote:

Jim Schuchmann- yes	Tony Midiri - yes
Dave Heiliger - yes	Sal Gertken - yes
Tony Girondo- abstain	John O'Connor – yes
Dan Rowden - yes	

Mr. Edge said he does not want to add a restroom and will just not use the residential area and he will continue to use his residence in Montgomery City. Chairman Tony Girondo told Mr. Edge he can choose not to use the conditional use permit for the residential area. Chairman Girondo also told Mr. Edge he will need to go to the Board of Aldermen meeting on December 29, 2011 as the BOA will have to make the final decision on the conditional use application.

Dale Schaper - Request for discussion on paved parking lots

Mr. Schaper said he owns 653 W.N. Service Road. He stated he asked a city worker to let him know what repairs need to be done to this property and he has complied with everything that is business specific except the parking lot paving. He said he has been told several different answers on how much of the parking lot needs to be paved. He said since other businesses do not comply with paved parking he wants to know what the rules are, since it would be very costly for him, if he would have to pave the whole lot. He said he doesn't know why some businesses have been overlooked and some not. Bob Barclay said he has been doing the commercial inspections for the last seven to eight months and he has overlooked the parking requirements, which he apologized for. Mr. Barclay stated the Wright City codes do state for every 200 square feet of business space one spot is required, plus one additional space per employee, so it does depend on what kind of business would be opening. Mr. Schaper said he doesn't feel as a landlord he is on an equal field with other landlords who have not had to meet the paved parking requirement, since his costs would be greater than someone else's. Chairman Tony Girondo stated there has always been to his knowledge; requirements for parking lots. John O'Connor said at some point the city does have to move forward and have a

starting point on enforcing the rules. Chairman Tony Girondo asked Mr. Schaper if there is an ADA ramp in place at his property. Mr. Schaper responded there is one in place. Chairman Girondo stated there should be a minimum of five spaces based on the business area, plus additional spots based on how many employees will be on duty at a time. Mr. Barclay also added there should be one ADA spot for every 25 regular spots. Dale Schaper asked if anything outside that would require a variance. Chairman Girondo responded it would. Chairman Girondo closed the discussion.

Meeting Dates for January & February because of City holidays

Chairman Tony Girondo stated the January and February meeting dates fall on city holidays and would need to be changed. He asked if it would be acceptable to everyone to change the January meeting from the 16th to the 23rd and the February meeting from the 20th to the 27th.

Dan Rowden made a motion to change the January meeting from the 16th to the 23rd and the February meeting from the 20th to the 27th. John O'Connor seconded the motion and the motion unanimously carried.

Vote:

- | | |
|---------------------|---------------------|
| Jim Schuchmann- yes | Tony Midiri - yes |
| Dave Heiliger - yes | Sal Gertken - yes |
| Tony Girondo- yes | John O'Connor – yes |
| Dan Rowden - yes | |

Reports

Building Official – Given by Larry Janish

Alderman Jim Schuchmann asked about the home addition on Hickory Trails. Bob Barclay responded a permit has been issued and he is working on the inspections for that permit.

Commissioner Comments

Alderman Jim Schuchmann told everyone the city code book is available on disc and can be installed on their laptops if they choose to bring them in to City Hall.

Adjournment

John O'Connor made a motion to adjourn. Dan Rowden seconded it and the meeting adjourned at 7:45 pm.

Approved_____

Attested_____