

The public hearing was called to order at 7:00 p.m. by Chairman Knapp. The hearing was opened with the Pledge of Allegiance.

Present at roll call were: Chairman Knapp, Alderman Sir and members Guise, Diekmann, Gianino, Scheer, Smith, Barry and Bieg. Also in attendance were City Administrator Craig Sabo and City Attorney Kathy Butler.

- A. A petition from Roger Johnson, representing R & W Outdoor Equipment Repair, for a Special Use Permit for a small engine repair facility at 18601 U.S. Highway 66.

Notice of the Public Hearing was published in the Countian on December 23, 2019 and posted on the City's website.

Mr. Roger Johnson stated that they were seeking approval to open a small engine repair facility.

Mr. Scheer inquired as to if all repairs would be performed inside the building.

Mr. Johnson stated that if the repairs were to be performed on-site they would be done in the building.

Speaking in support of the petition was the property owner, Mr. Patrick Geraty. He stated that as the property owner he supports the proposed use and believes the business would be an asset to the City.

No one spoke in opposition to the petition.

The public hearing was closed at 7:02 p.m.

The public hearing was opened at 7:02 p.m.

- B. A petition from Kelly Pearce to amend Chapter 23 of the Municipal Code relating to accessory structure setback requirements.

Ms. Michelle Pearce, stated that they were proposing to amend the Municipal Code to change verbiage from building to structure relating to accessory structure setback requirements which would allow them to install a pool on their property.

No one spoke in support of or in opposition to the petition.

The public hearing was closed at 7:03 p.m.

The public hearing was opened at 7:03 p.m.

- C. A petition from Dobbs Tire and Auto Center for a Special Use Permit for a tire and auto service center at 1299 West Fifth Street.

Notice of the Public Hearing was published in the Countian on December 23, 2019 and posted on the City's website.

Mr. Michael Perry with HBD Construction stated that the petitioner was seeking approval to operate a tire and auto service center at the proposed location.

Alderman Sir inquired as to if the vehicles that were there to be serviced would be kept in the front and rear of the property.

Mr. Perry stated that they would.

Alderman Sir inquired as to if there would be any outside storage of items.

Mr. Perry stated that tires will be stored in the dumpster enclosure located on the property.

Mr. Guise inquired as to if there was any plans to improve the ingress/egress area of the lot.

Mr. Perry stated that the lot will be resurfaced and striped.

No one spoke in support of or in opposition to the petition.

The public hearing was closed at 7:05 p.m.

The public hearing was opened at 7:05 p.m.

D. A petition from Patrick Geraty, representing PTG Investments, LLC, for rezoning approximately 4.06 acres from Commercial to Planned Industrial at 18593 U.S. Highway 66.

Notice of the Public Hearing was published in the Countian on December 23, 2019 and posted on the City's website.

Mr. Geraty stated that he had acquired the property that formerly was owned by Hyndrich Towing and had been unsuccessful in finding a business for the property due to lack of water and sanitary sewer service. He said that he would like to expand the parking of vehicles and equipment for his business which is adjacent to the property. He added that he will be replacing the existing fence with a wooden privacy fence.

No one spoke in support of or in opposition to the petition.

There being no further matters for discussion, the public hearing was adjourned at 7:06 p.m.

Respectfully submitted,

(Original with signature on file)

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Barb Griffin, Acting Secretary

The meeting was called to order at 7:06 p.m. by Chairman Knapp.

Present at roll call were: Chairman Knapp, Alderman Sir and members Guise, Diekmann, Gianino, Scheer, Smith, Barry and Bieg. Also in attendance were City Administrator Craig Sabo and City Attorney Kathy Butler.

On motion by Mr. Smith, seconded by Mr. Scheer and unanimously passed (members Barry and Bieg abstained), the Minutes from December 11, 2019 were approved.

**GUESTS:**

There were no guests present who wished to address the Commission.

**OLD BUSINESS:**

There was no old business to be discussed.

**NEW BUSINESS:**

A. A petition from Roger Johnson, representing R & W Outdoor Equipment Repair, for a Special Use Permit for a small engine repair facility at 18601 U.S. Highway 66.

Chairman Knapp went over the six (6) points of factual determination as required in Municipal Code Section 23-182(d).

The consensus was unanimously favorable on all points.

On motion by Mr. Diekmann, seconded by Mr. Guise and unanimously passed, approval was recommended for a petition from Roger Johnson, representing R & W Outdoor Equipment Repair, for a Special Use Permit for a small engine repair facility at 18601 U.S. Highway 66.

B. A petition from Kelly Pearce to amend Chapter 23 of the Municipal Code relating to accessory structure setback requirements.

On motion by Alderman Sir, seconded by Mr. Diekmann and unanimously passed, approval was recommended for a petition from Kelly Pearce to amend Chapter 23 of the Municipal Code relating to accessory structure setback requirements.

C. A petition from Dobbs Tire and Auto Center for a Special Use Permit for a tire and auto service center at 1299 West Fifth Street.

Mr. Guise stated that he would recommend some type of identifying markers for ingress and egress on the property as it has caused issues on Top Notch Lane in the past.

Mr. Diekmann stated that he would make the motion to approve with the condition that small directional arrows be installed identifying the ingress/egress area of the property.

Chairman Knapp went over the six (6) points of factual determination as required in Municipal Code Section 23-182(d).

The consensus was unanimously favorable on all points.

On motion by Mr. Diekmann, seconded by Mr. Smith and unanimously passed, approval was recommended for a petition from Dobbs Tire and Auto Center For a Special Use Permit for a tire and auto service center at 1299 West Fifth Street with the condition that small directional arrows be installed to identify the ingress/egress area of the property.

D. A petition from Patrick Geraty, representing PTG Investments, LLC, for rezoning approximately 4.06 acres from Commercial to Planned Industrial at 18593 U.S. Highway 66.

Alderman Sir stated that he had no issues with the petition, but wanted to clarify that if the use of the property was to change, the petitioner would be required to return to the City for approval. City Administrator Sabo stated that a recommended condition of approval would be that all uses and

**D. CONT'D.**

site development be approved by the Board of Aldermen in addition to any required Planning and Zoning Commission consideration.

Chairman Knapp went over the six (6) points of factual determination as required in Municipal Code Section 23-182(d).

The consensus was unanimously favorable on all points.

On motion by Mr. Guise, seconded by Mr. Barry and unanimously passed, approval was recommended for a petition from Patrick Geraty, representing PTG Investments, LLC, for rezoning approximately 4.06 acres from Commercial to Planned Industrial at 18593 U.S. Highway 66, including the condition recommended by City Administrator Sabo.

**CLOSED MEETING**

The Planning and Zoning Commission went into a closed session meeting for attorney-client privilege discussion.

**NEW BUSINESS (RECONVENED)**

E. Consideration of a request from McDonald's USA, LLC to appeal the Commission's negative recommendation of a Special Use Permit application to allow the operation of a drive-through component in connection with a restaurant at 105 East Fourth Street.

On motion by Mr. Diekmann, seconded by Mr. Guise and unanimously passed (members Barry and Bieg abstained), the Commission approved a written report regarding their negative recommendation concerning the McDonald's USA, LLC Special Use Permit application based on the applicant's appeal. The written report will be forwarded to the Board of Aldermen for their January 21, 2020 meeting at which time a public hearing will be held.

**ADDITIONAL BUSINESS:**

There was no additional business to be discussed.

There being no further matters for discussion, on motion by Alderman Barry, seconded by Mr. Guise and unanimously passed, the meeting was adjourned at 7:20 p.m.

**UPCOMING MEETINGS:**

- January 29, 2020
- February 12, 2020

Respectfully submitted,

(Original with signature on file)

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Barb Griffin, Acting Secretary

City Attorney Kathy Butler stated that City's Municipal Code requires that a written report be prepared and approved by the Commission when a petitioner makes an appeal to the Board of Aldermen regarding a negative recommendation. She stated that she had prepared a report of the Commission's findings based on the minutes from that meeting, and as those minutes were approved at this meeting, she was seeking the Commission's approval of the report so that the appeal may move forward to the Board of Aldermen.

Alderman Sir stated that due to the absence of two (2) Commission members, the vote was four (4) in favor of the petition and three (3) opposed, and there must be five (5) votes in favor to receive a favorable recommendation.

Mr. Barry inquired as to if the Board of Aldermen could approve the petition with the Commission's negative recommendation.

City Attorney Butler stated that they could.

Mr. Bieg inquired as to if the approval of the report would contain only information presented at the previous meeting.

City Attorney Butler stated that was correct.

City Administrator Sabo stated that a Board of Aldermen public hearing is required to be held, and the application must receive four (4) favorable votes from the Board of Aldermen.

Chairman Knapp inquired as to if the public would be able to comment during the hearing.

City Administrator Sabo replied that they would.

Respectfully submitted,

(Original with signature on file)

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Barb Griffin, Acting Secretary