

Planning and Zoning Commission Minutes

Aurora City Hall

City Council Chambers

2 W Pleasant

Aurora, Missouri

Tuesday, May 2, 2023 - 6PM

5/2/2023 - Minutes

1. CALL TO ORDER

6:00 PM

2. ROLL CALL

Chairman Dennis Baker - *Absent*

Vice Chairman Regina Payne - *Present*

Mayor Jason Lewis - *Present*

Commission Member Justin Cox - *Present*

Commission Member David Cox - *Present*

Commission Member Linda Barton - *Present*

Commission Member William Gold - *Present*

Quorum satisfied

3. APPROVAL OF MINUTES

3.I. Approval Of Minutes From Meeting Held March 21, 2023

Mayor Lewis made a motion to approve the minutes from the meeting held on March 21, 2023. Motion seconded by J. Cox. Motion passed with all members voting aye.

4. NEW BUSINESS

4.I. Public Hearing - Zoning Request

Director Howlett addressed the Commission regarding the rezone request for 426 E College Street. Applicant, Gena Valente is present at the meeting. Current zoning of property is R-1, requesting to be zoned to C-2.

Property is contiguous to other C-2 zoned property. Single Family Residential structure is present currently on the property. Applicant presents a few possible intentions for the land but does not have clear intentions or a business plan in place. Possible intentions for the property are remodeling for short term rentals, a flea market, historical museum, or a community garden. Director Howlett pointed out that the property to the south that is zoned C-2 is part of the arterial zoning for the Master Plan of the City. The property to the south faces Church Street and therefore has the zoning of Commercial. Director Howlett emphasized that as a City, we must use the zoning map in conjunction with the future land use map to make the best decisions for the City.

The request is in line with City Code and State Statutes. However, the City's future land use map shows that the property was intended to remain residential. Director Howlett voiced concern with a rezone possibly changing the characteristics of the neighborhood, as well as concern about the direction in the future without a plan in place. Director Howlett offers the option of a Special Use Permit that could be better fitted for this request and situation without changing the entire zoning. Director Howlett informed the Commission that public hearing letters were sent to all property owners within 185' and our office has received no feedback in either direction.

Mayor Lewis motioned to open the public hearing at 6:04pm. Motion seconded by Commission Member J. Cox. Motion passed with all members voting aye.

Applicant Gena Valente spoke to the Commission, stating that she believes that a C-2 zoning would be a better benefit to the Community. Ms. Valente stated that the area has great potential especially with being located off Oak Park. In addition, she expressed that it would be difficult to rebuild to residential based on funding requirements. Mayor Lewis inquired asking how a zoning to C-2 would protect the neighborhood. Ms. Valente responded that her 5 year plan will include much needed shops in the area, as well as preserving the historical items. Commission Member Barton asked if Ms. Valente would consider a Special Use permit instead of rezoning. Ms. Valente replied that she would consider it but would prefer a zoning of C-2. She further added that she is in the initial stages and requested this meeting to know how to proceed in the future.

No public comment.

Vice Chairman Payne motioned to close the public hearing, time noted 6:09 pm. Motion seconded by Mayor Lewis. Motion passed with all members voting aye.

Finding of Fact was addressed with the Commission. The rezoning would be in line with existing uses of property within the general area. The rezoning would be in line with the zoning classification of property within the general area. The rezone may or may not adversely affect surrounding property and property values. The property in question is suitable to the uses permitted under the proposed zoning classification. The rezoning does not protect the neighborhood interest. The rezoning could alter the character or nature of the development of the neighborhood. The rezoning will not be in harmony with the elements and objectives of the Master Plan as it is not in line with the Future Land Use Map.

Mayor Lewis motioned to approve the request to rezone 426 E College Street to C-2. Commission Member J. Cox seconded the motion. Motion passed with all members voting the following:

AYE: Barton, D. Cox, J. Cox, Gold

NAY: Payne, Lewis

4.II. Public Hearing - Land Use Request

Director Howlett address the Commission regarding the land use request presented by applicant, Doty Real Estate. Representatives of Doty Real Estate are present at the meeting. The property in review this evening is located in the Industrial park and is currently zoned M2, General industrial District. Director Howlett informed the Commission that City Code 400.240 outlines that M2 is for heavy industrial use and contains many uses that are permitted upon review of the Commission, including use for private refuse dumps and landfills. The request brought before the Commission presently is involving a solid waste transfer station.

These facilities are regulated by Missouri State Statutes and monitored by the Department of Natural Resources (DNR) and the Environmental Protection Agency (EPA). Director Howlett informed the Commission that federal regulations are handed down to the State level, therefore, we, as the City deal directly with DNR, as they are the entity that governs these types of facilities. Per DNR regulations, all applicants must apply for and get approval on geologic and hydrologic aspects. After submitting the initial application for geologic and hydrologic approval, DNR begins preliminary investigations. The current developer, Doty Real Estate, is currently working with Gredell Engineering Firms. Gredell Engineering, Doty Real Estate, and the City have held pre-development meetings. The City has discussed utilities, waste water

run-off, and all areas were address with no concerns from City Staff. Director Howlett expressed that City Staff recommendation for the land use request is approval.

The Community Development Department sent out public hearing letters to all parties within 185' of the topic property. 3 calls were received in response to the public letters and public notices. All calls received were opposed to the placement of the transfer station. Director Howlett voiced noticing an increase in interest of our community. The main objective for the City is to address concerns and bring education to the Community. Director Howlett informed the Commission that the site plan has been presented and has met all setbacks, traffic concerns, and fencing requirements.

Director Howlett instructed the Commission and the audience on the many differences present between a transfer station and a landfill. With a transfer station the trash is brought in on a temporary basis and must be removed within 24 hours. It will be unloaded onto concrete and then reloaded on larger trucks. The final destination will be a landfill. A transfer station is a temporary holding place for trash only, not a permanent destination. In addition, there will be no hazardous waste accepted at this facility. Safeguards will be in place in the event of hazardous materials being brought in or accidentally left at the facility. For this facility, DNR has approved 500 tons/day and the maximum capacity that the Developer anticipates will be 350 tons/day, well below the threshold allowed by DNR. Director Howlett reiterated that trash must leave 24 hours or less after entering the facility. DNR requires floor washing daily and the facility will only be open and operating between the hours of 6:00am - 6:00pm, with doors closed during non-operating hours. The impact of air pollution is assessed by DNR. DNR states that the proposed facility will not meet the threshold by the amount of odor that will be emitted. The volumes of waste allowed at the facility and the time frame allowed for the waste will both minimize odor. Trees and industrial fencing will protect the views, as well as other buffering techniques that can be implemented. Debris by wind will be monitored daily. Traffic will be required to stay off the main streets and will only use the western end of High connecting to Highway 39. Community drop off areas will be available as an additional asset to the Community. Recycling will also be available. The developer is hoping to provide this service to all citizens.

The location of the proposed facility is already in an existing industrial park. DNR's assessment indicated less air pollution and odor projected at this location in comparison to other businesses that would typically be in an industrial park. Director Howlett iterates that the request tonight is solely related to land use and will not encompass other issues or concerns.

Director Howlett instructed the Commission that they can put additional restrictions on the facility to help make sure it is not negatively impacting our Community. If the facility were a few feet further north, it would be in the County where there are lighter restrictions as Lawrence County has no Planning and Zoning regulations.

Waste water from the facility would be ran to the City Waste Water Plant. Wash-down water would be volumized in above ground tanks. Any water that would be brought to the City Waste Water Facility, would be required to be tested before entering the facility.

Additional benefits that would accompany the transfer station would include a drop off community area, recycling availability, the hosting of community events, natural disaster debris drop-off, would provide employment opportunities and would also be a central housing for all of Doty.

The EPA recommends additional guidelines involving this type of facility including extra reporting of tonnage, truck shipments, hazardous waste and any unusual event. Quarterly compliance inspections may also be required. A facility operating plan will be required to be in place by DNR, who enforces the EPA guidelines as well as additional ones put in place by DNR. The City can require these additional guidelines.

Commission Member Barton made a motion to open the public hearing, time noted 6:40pm. Motion seconded by Mayor Lewis. Motion passed with all members voting aye.

Don Francisco of 320 W Hawthorne Street is present at the meeting and voices opposition to the transfer station. He is concerned with odor and health complications.

Denia Shrock of 22 W Tyndall Street voiced disapproval of the transfer station.

Michael Helderson of 330 W Cline disapproved of the land use request. He is concerned with property values and does not want any added pollution to our city.

Scott Gleason of 9 W Tyndall Street spoke in opposition. His concerns were odor and possible decreasing property values.

Karen Bigham of 330 W Hawthorne Street was concerned with home values and against the transfer station.

Lloyd Allison lives outside of the City limits but nearby and voiced concerns over air pollution, noise, and odor. He requested the Commission take all aspects into consideration while making their decision.

Sean Spring of 334 W Summit Street voiced overall disapproval, and had additional questions that were addressed.

Melissa Spring of 334 W Summit Street opined concern with noise from the facility as she has sleeping difficulties.

Ralph Lauffer resides outside the city limits but was a recipient of the public notice letter as he resides within 185' of the proposed project location. He thanked Doty for their service to the Community. Mr. Lauffer voiced a favorable opinion but does has concern with water run-off.

Gene Robertson of 212 W High Street voiced disapproval and stated he believed it would be detrimental to the neighborhood with the odor.

Daryl Jones of 327 W Hawthorne Street was opposed. He is concerned that the facility will prevent future business from coming to the industrial park.

Joyce Deerwester of 866 Lovers Lane voiced gratitude to Doty but voiced opposition of the transfer station at the proposed location.

Aaron Setliff resides in the County outside the city limits and voiced disapproval of the transfer station.

Ida Jarvis of 217 W High had concerns over increased water flow, lingering, blowing trash and traffic flow. She disapproved of the facility.

Melissa Lowery of 803 N McNatt Avenue voiced opposition over the transfer station. She is concerned with odor and property values.

David Henderson of 575-579 W High Street was opposed to the proposed facility. He had future plans of opening a glove manufacturing business but will be unable to obtain that goal now with the transfer station in place. He is concerned with rats and rodents that will be in the area.

Steve Ramirez of 328 W Cline Street voiced opposition. He was concerned with odor, air pollution, noise, water flow, and ground contamination.

Steve Decker of 811 E Kirkwood Street inquired about the residential trash service. He was asked to return to a council meeting for his concerns and questions regarding that topic as this meeting is only relating to the land use request.

Dave Streckert of 406 W Cline Street is opposed to the transfer station. He is new to town and his wife has health issues that creates concern for him and his family. He is opposed due to the health issues, as well as a possible decrease in home value, and the rodents and vermin that may extend from the facility.

Motion to close the public hearing made by Mayor Lewis. Motion seconded by Commission Member Barton. Motion passed at 7:26pm with all members voting aye.

Waylon Doty and Jessica Fleetwood are the owners and representatives of Doty Real Estate. They spoke to the Commission and the audience, emphasizing they have done their research and homework to be able to provide service to this Community and hold themselves and their company to higher standards. They explained that recycling will be free of charge, but that additional items brought in, such as furniture, will cost an extra fee. Mr. Doty and Mrs. Fleetwood are planning to host special community events involving clean-up, which would include electronic recycling and other special materials. They stressed that the facility is currently not permitted for hazardous materials. All previous public comments and concerns were address by Mayor Lewis and answered by Doty Real Estate. Mr. Doty and Mrs. Fleetwood reiterated that traffic flow involving their facility will be entering and existing from Highway 39 only and not eastward on High Street. They also reiterated the noise concerns as the operating hours will only be from 6:00am - 6:00pm. No noise will be present at the facility past 6:00pm. They are committed to keeping a clean facility, which in turn will keep the

rodent concern at bay. Traps will also be set up. Nothing will be allowed to be stored on the floor overnight and floors will be washed last thing of each evening.

Director Howlett addressed the additional concerns that arose. Mrs. Howlett stated that all city documents are available to the public, therefore any report or inspection made by the City will be available to any citizen upon their request. The point of contact for citizen concerns and code violations is the Community Development Department. DNR can make regular visits with continuous monitoring as well as visits made by City Staff.

Storm water detention is included on the site plan and has been implemented by engineers. Director Howlett addressed that letters to be mailed for public hearings are regulated by Missouri State Statutes and therefore, that is why we send out letters to those within 185 feet. No permits have been issued from DNR at this point due to not being at that stage of the development. It is too early in their process to have a permit. DNR requires preliminary investigation and formal application cannot take place yet but it slotted for the future. Any citizens with questions regarding residential trash can be answered by calling the City Hall finance department, and any questions related to bulky item pick-ups can be directed to the Community Development Department at City Hall.

Mayor Lewis stated all previous concerns have been addressed. Commission Member Cox inquires about monitoring the odor and the City's role in the odor control. Director Howlett concludes that City staff does not have the technical equipment to monitor smell. All of the monitoring is done through DNR at the state level.

DNR has a threshold for odors. Commission Member Barton added that she would like to see the City have unscheduled inspections, in addition to scheduled inspections.

Mayor Lewis motioned to approve the land use request by Doty Real Estate for the transfer station, with the addition of required quarterly city inspections and monthly reporting of tonnage and truck traffic. Motion seconded by Commission Member Barton. Motion passed with all members voting the following:

AYE: Payne, Lewis, J. Cox, D. Cox, Barton, Gold

NAY: None

4.III. Public Hearing - Vacate Request

Director Howlett addressed the Commission regarding the vacate request. This request is involving an existing 25' wide utility easement, running east to west. Director Howlett presented the survey which depicts the easement. Property was previously owned by City. Nothing will be affected by this vacate. City staff recommendation is approval.

A citizen owning neighboring property asked if this vacate will affect their property. Director Howlett explained it will not affect them as the easement being vacated is solely within the topic property.

Finding of Fact was addressed. The vacate would not affect the convenience and general welfare of the public. The vacate does not make an adverse impact on the neighborhood. The vacate will not adversely affect surrounding property and property values. The vacate would serve the neighborhood to some degree by not affecting the neighborhood beyond the development. The vacate does not affect the neighborhood interest, and it would not alter the character or nature of the development of the neighborhood. The vacate would be in basic harmony with the various elements and objectives of the Master Plan. And lastly, the vacate does comply with the requirements established for the request.

Mayor Lewis motioned to approve the vacate request by Doty Real Estate. Motion seconded by Commission Member Barton. Motion passed with all members voting the following:

AYE: Payne, Lewis, J. Cox, D. Cox, Barton, Gold

NAY: None

4.IV. Discussion - Policies And Procedures

Planning and Zoning Policy and Procedure manuals were handed out to all Commission members.

5. PUBLIC COMMENT/DISCUSSION

None.

6. ADJOURNMENT

Commission Member Barton motioned to adjourn meeting, time noted 8:04pm. Motion seconded by Vice Chairwoman Payne. Motion passed with all members voting aye.

APPROVED

Dennis Baker, Chairman

ATTEST:

Crystal Abbott, Administrative Assistant