

# **AURORA PLANNING AND ZONING COMMISSION MINUTES**

## **REGULAR SESSION AURORA CITY HALL, COUNCIL CHAMBERS Tuesday, January 19, 2021 at 6:30 PM**

### **I. Call to order**

Chairwoman Payne called the meeting to order at 6:30 p.m. on January 19, 2021.

### **II. Roll Call:**

Chairwoman:	Regina Payne (2022)
Vice Chairwoman:	Linda Barton (2023)
Council Member:	Don McWade (2021)
Commission Member:	Rick Boyer (2022)
Commission Member:	Eddie Breeding (2021)
Commission Member:	Tamera Abell (2022)
Commission Member:	Vacant
Commission Member:	Vacant
Secretary:	Crystal Abbott

Roll call was taken, and all members were present. Quorum satisfied.

### **III. Approval of Minutes**

#### **I. Approval of Minutes from meeting held November 17, 2020**

Commission Member Boyer moved to accept the meeting minutes from November 17<sup>th</sup>, 2020. Vice Chairwoman Barton seconded the motion. Motion passed with the following members voting aye:

AYES: Boyer, Payne, Barton, Abell, Breeding

NAYES: None

### **IV. Old Business**

None

## **V. New Business**

### **I. Public Hearing, Special Use Request, Mark Paynter**

Vice Chair Barton motioned to open the public hearing at 6:30 pm. Commission Member Boyer seconded the motion. Motion passed with all members voting aye.

Director Howlett explains the special use request made by Mark Paynter to the Commission. She explains a permit was applied for and issued for fence placement at 928/930 S Madison Avenue. Ms. Howlett explains, per City Code, fences must be constructed no taller than 3ft in the front yard and the fence at Mr. Paynter's property is 6 ft in the front yard. She explains her office received a complaint about a fence that was in violation, and further adds that code enforcement verified the fence was not up to code and was in fact too tall in the front yard. Director Howlett explains that the original plats must be used to determine house frontage and verifies the front of Mr. Paynter's house does face Madison Avenue. Ms. Howlett tells the Commission that Mr. Paynter did contact her office and he has requested a special use permit for the fence to remain.

Mark Paynter is present at the meeting and speaks to the Commission. He states the house on that property is used for storage only and will not ever be residential. He states in the future, he may do a demolition. He further adds that he has no place for storage. Mr. Paynter said the fence was being built for 2 weeks and nobody advised him that it was not up to code. He explains he has spent money to build the fence and he does not agree with what Director Howlett states is the front of his structure.

Commission Member Boyer points out that the fence only has three sides and is missing the back part of the fence. Mr. Paynter replies that the fence is in progress. He is trying to save money and will eventually get the fence closed in and gated. Mr. Paynter further states that squatters and trespassers are creating security issues. He is trying to prevent people from entering his property.

Council Member McWade informs Mr. Paynter that the Police Department patrolling the area would not be able to see any activity of possible theft with a fence that tall in the front yard. He feels that the fence could lead to safety concerns with visibility issues. Mr. Paynter replies that he does not believe the fence would block any vision for safety.

Commission Member Abell asks Mr. Paynter who obtained the permit for the fence. Mr. Paynter informs the Commission that he obtained the permit. Mr. Paynter adds that his contractor had "never heard of any such rule like that".



Commission Member Breeding asks Director Howlett what their options are as Commissioners. Director Howlett states the Commission can grant the special use permit or the fence will be required to be 3 feet in height in the front yard.

Commission Member Boyer motioned to close the Public Hearing time noted 6:55pm. Commission Member Abell seconded the motion. Motion passed with all members voting aye.

Finding of Fact was addressed with the Planning and Zoning Commission. The special use request does not serve the convenience and general welfare of the public. It does make an adverse impact on the neighborhood. It does adversely affect surrounding property and property values. It does not serve the neighborhood in some degree. It does not protect the neighborhood interest. Yes, it does alter the character or nature of the development of the neighborhood. Lastly, no it does not comply with the requirements established for that Special Use.

Vice Chairwoman Barton made a motion to deny the special use request. Commission Member Abell seconded the motion. Motion passed to deny the special use request.

AYES: Payne, Barton, Abell, Boyer, Breeding

NAYES: None

**II. Public Hearing, Minor Subdivision/lot split, Guffey Properties LLC/LBO Development II, LLC**

Chairwoman Payne motioned to open the public hearing at 7:01 pm. Motion seconded by Commission Member Boyer. Motion passed with all members voting aye.

Wesley Busch, representative for the above property, attends the meeting via telephone. Director Howlett approached the podium to explain the request to the Commission. Director Howlett shows the Commission the survey for the lot split. She explains there will be two separate properties, each housing one structure. The property in question is zoned C-2. Inspector Howlett informs the Commission that the request conforms to City Code.

Chairwoman Payne inquires of the purpose for the rezoning. Mr. Busch explains that the property owner is preparing for a possible selling situation in the future. The Dollar Tree and the building to the east would be separated.

Commission Member Boyer motioned to close the Public Hearing time noted 7:03 pm. Commission Member Abell seconded the motion. Motion passed with all members voting aye.

Finding of Fact was addressed with the Planning and Zoning Commission. The minor subdivision/Lot Split request does serve the convenience and general welfare of the public. It does not make an adverse impact on the neighborhood. It does not adversely affect surrounding property and property values. It does serve the neighborhood in some degree. Yes, it does protect the neighborhood interest. It does not alter the character or nature of the development of the neighborhood. It will be in basic harmony with the various elements and objectives of the Master Plan.

Vice Chairwoman Barton motioned to approve and recommend to Council to allow the Lot Split request. Commission Member Breeding seconded the motion. Motion passed to recommend to City Council to allow the lot split request.

AYES: Payne, Barton, Abell, Boyer, Breeding

NAYES: None

#### **VI. Public Comment/Discussion**

*A citizen desiring to speak on an item not on the agenda may do so at this time. Each citizen is limited to three minutes and the Commission will not act or discuss items at this time. Discussion should be limited to matters of City business and public comment is not permitted in regard to personnel matters or on pending legal matters. Items introduced under "Public Comment" may become agenda items later.*

None

#### **VII. Adjournment**

Chairwoman Payne moved to adjourn the meeting at 7:06 pm. Vice Chairwoman Barton seconded the motion. Motion passed with all members voting aye.

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Regina Payne, Chairwoman

ATTEST:

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Crystal Abbott, Administrative Assistant