

MINUTES OF THE MEETING
OF THE
DECATUR PLAN COMMISSION

Thursday, January 5, 2017
City Council Chamber, Decatur Civic Center

The January 5, 2017 meeting of the Decatur City Plan Commission was called to order at 3:00 P.M. in the City Council Chamber, Third Floor of the Decatur Civic Center, by Chairman Glenn Livingston who determined a quorum was present.

Members Present: Bruce Frantz, Ed Harris, Bruce Jeffery, Glenn Livingston,
Kent Newton, Terry Smith

Members Absent: Bill Clevenger, Jack Myatt, Susie Peck

Staff Present: Suzy Stickle, Troy Hall, John Robinson, Janet Poland

Chairman Livingston introduced and welcomed Mr. Bruce Jeffery as the newest member to the Plan Commission.

It was moved and seconded (Frantz/Newton) to approve the minutes of the October 6, 2016 meeting of the Decatur City Plan Commission. Motion carried with Bruce Jeffery and Chairman Livingston abstaining from the vote.

Chairman Livingston stated that Calendar No. 17-02 would be heard first if there were no objections. There were no objectors.

New Business

Cal. No. 17-02	Petition of DECATUR HOUSE OF PRAYER to rezone property located at 1920 NORTH OAKLAND AVENUE from B-1 Neighborhood Shopping District to B-2 Commercial District.
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Ms. Stickle presented the recommendation of staff:

The subject site is approximately 0.81 acres and is located at 1920 North Oakland Avenue. The subject site is the former location of Plaza TV and Appliance.

The petitioner proposes to rezone from B-1 Neighborhood Shopping District to B-2 Commercial District which would allow for all those uses permitted in the B-2 Commercial District.

The surrounding zoning includes B-1 Neighborhood Shopping District to the north and south and R-3 Single Family Residence District to the east and west. There is also a significant B-2 Commercial District in the area along North Oakland Avenue beginning directly north of Grant Avenue. The Macon County and Decatur Comprehensive Plan shows this area as Retail. The permitted uses in the B-2 Commercial District are consistent and compatible with retail as shown in the Comprehensive Plan. The proposed zoning is compatible with adjacent uses to the north and south.

North Oakland Avenue, a state route, is one of the more heavily traveled corridors in the City. A more intensive commercial zoning district fronting a state route is appropriate for this site.

Staff recommends approval of the rezoning

Section XXIX. of the City of Decatur Zoning Ordinance requires the Plan Commission to hold a public hearing on a rezoning request, and then forward its report and recommendation to the City Council for final approval. A motion to forward Calendar Number 17-02 to the City Council with a recommendation for approval is suggested.

Mrs. Mary Cave, representative, was sworn in by Mrs. Poland.

Mrs. Cave stated there is a significant area zoned B-2 Commercial immediately north of this site and also two (2) blocks south. The Macon County and Decatur Comprehensive Plan does show this area as commercial. Any proposed use or redevelopment for this site would have to meet City standards. The petitioner requests approval of the petition.

There were no questions and no objectors present.

It was moved and seconded (Harris/Smith) to forward Calendar No. 17-02 to the City Council with a recommendation for approval as presented by staff. Motion carried unanimously.

Cal. No. 17-01	Petition of SPEAKEASY PROPERTIES, LLC, for a Conditional Use Permit in the B-4 Central Business District to operate a tattoo/body piercing parlor located at 528/530 NORTH WATER STREET.
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Ms. Suzy Stickle was sworn in by Mrs. Janet Poland.

Ms. Stickle presented the recommendation of staff:

The subject site, located at 528 and 530 North Water Street, contains approximately 4,964 square feet, and is the former location of Rupert's Sport Shop. The subject site is zoned B-4 Central Business District.

The subject petition requests a conditional use permit to allow for a tattoo/body piercing parlor in the B-4 Central Business District. Tried & True is an established up-scale tattoo studio in Decatur currently located on South Taylorville Road. The proposed parlor on North Water Street will have one artist and is to be operated from the hours of 10:00 AM to 5:00 PM with artwork being carried out by appointment only.

Speakeasy Properties, LLC is looking to reuse the former Rupert's and convert to a tattoo/body piercing parlor as well as a record store and coffee shop.

Staff supports the proposed Conditional Use Permit and reuse of this downtown building. Staff believes the proposed use of a tattoo/body piercing parlor on this particular site is compatible with the B-4 zoning as well as the adjacent commercial and office uses. Staff proposes to allow for future expansion and flexibility with operating hours allowed from 8:00 AM to 10:00 PM so that other artist(s) could be hired if the owner so desired or if they wished to adjust their current proposed schedule.

According to Section XXII.A.3. there are three standards which must be met in order to grant a conditional use permit. The first standard requires that the use be “necessary for the public convenience at the location.” The proposed use is generally compatible with the area along North Water Street and the parlor will provide a service which can be utilized by residents. The proposed use also meets the second standard. The facility is located and designed to be operated in a manner in which the public health, safety and welfare will be protected. The hours of operation allowed will be between 8:00 AM and 10:00 PM. Last, the facility should not cause injury to the value of other properties in the area as stated by the third standard. This is an established studio to be located in a mixed use area.

Section XXIX. of the City of Decatur Zoning Ordinance requires the Plan Commission to hold a public hearing on a rezoning request, and then forward its report and recommendation to the City Council for final approval. A motion to forward Calendar Number 17-01 to the City Council with a recommendation for approval is suggested.

Mr. Newton asked if the permit, if granted, remained with the owner or with the property. Ms. Stickle stated that it would remain with the property owner.

Mr. Jesse Blunt, representative, was sworn in by Mrs. Poland.

Mr. Blunt stated that he has been operating as a solo proprietor for the last two years and operated as an artist for five years prior. He stated that he strives to operate with the utmost integrity and sees himself as an artist who works with skin. He said he was saddened that some might see this type of facility as something less than that.

Chairman Livingston asked if it was his plan to expand his record store and add a space for coffee. Mr. Blunt said that the front of the building has space for retail and that he intends to treat the facility as more of a private studio setting and less of a walk in space. He indicated that he has ideas for people looking for art and other partnerships. Mr. Livingston asked about the size of Mr. Blunt’s space and Mr. Blunt indicated that the tattoo space probably was about 800 square feet.

Mr. Livingston asked if there was anyone present to speak in opposition.

Mr. Michael Warner was sworn in by Mrs. Poland.

Mr. Warner indicated that he was executive director and CEO of Youth Advocate, a child welfare agency working with abused and neglected children. He indicated that he is in opposition because he doesn’t think it’s the right place for the tattoo parlor. He indicated that it’s between a funeral home and a child welfare agency and that he thinks there is probably a more appropriate space given the number of spaces that are available around the city.

Mr. Warner indicated that his agency has 16 programs, 30 staff and probably work with 1,500 children each year. He stated that there are a number of children and staff coming into the building and that he considers the agency a professional office with a lot of people coming into the building, primarily children and families.

Mr. Warner stated that it is his understanding that a conditional use permit is in place to protect other properties and not reduce their property values. He stated that Youth Advocate owns their building and has been leasing space to the United Way. With the United Way moving out they are expanding some of their services into that space. Mr. Warner stated that they are committed to the area and the building, having been there since 2002 and want to stay there. He didn’t think that moving the tattoo parlor to another space would create a hardship for the parlor.

It was moved and seconded (Smith/Newton) to forward Calendar No. 17-01 to the City Council with a recommendation for approval. Motion carried unanimously.

There being no further business, it was moved and seconded (Jeffery/Newton) to adjourn the meeting. Motion carried unanimously. Chairman Livingston declared the meeting adjourned at 3:16 P.M.

Kent Newton, Secretary
Decatur City Plan Commission