

AMENDED AGENDA

September 16, 2013
At 5:30 p.m.

There will be a meeting of the **Plan Commission** on **Tuesday, September 17, 2013** at **7:30 PM** at the Cudahy Municipal Building (5050 South Lake Drive).

AGENDA

1. Opening statement and roll call.
2. Approve minutes from August 13, 2013.

PUBLIC HEARINGS

3. **CONDITIONAL USE REVIEW.** Open discussion regarding an application by Kelly Albrecht for a conditional use permit to open and operate Distinktion Tattoo & Body Piercing at 5656 South Packard Avenue. The proposed location is subject to B-2 Community Business District Zoning. This zoning allows tattoo parlors and personal enhancement businesses as a conditional use, subject to a public hearing.

The parcel(s) involved are identified by physical address as follows:
CSM #5383 NE 35-6-22 Parcel 1 & CSM # 6367 outlot 1
Parcel Number 6780096014

CONCLUDE PUBLIC HEARING.

Appropriate action on the application by Kelly Albrecht for a conditional use permit to open and operate Distinktion Tattoo & Body Piercing at 5656 South Packard Avenue.

OLD BUSINESS -

3. Review the status of a proposal made in January 2013 by Enercon Companies, Inc., for additional multi-family residential development in ETID #1.
4. Review and discuss progress update of the approved development plan at 5133 South Pennsylvania Avenue.

NEW BUSINESS –

5. Review and take appropriate action regarding proposed text amendments to 17.0603 - EXISTING NONCONFORMING SIGNS and 17.0604 PROHIBITED LIGHTING, MOVEMENT, AND SIGNS.
6. Review and take appropriate action on the proposed replacement mailbox pavilion for the Walnut Ridge multi-family development at 6255 Walnut Lane.
7. Review and take appropriate action on the proposed replacement perimeter fence and any ancillary screening requirements for the contractor yard located at 5483 South Whitnall Avenue, submitted by Duane and Ann Neshek, owners.
8. **Review and take appropriate action on the proposed CSM combing parcels at 4718 East Kingan Avenue and 3530 East Squire Avenue.**

9. Review and take appropriate action on the Zoning Administrator's determination that the off-street, off-site parking occurring at 3958 East Plankinton Avenue, associated with the multi-family unit apartment buildings at 4621 and 4625 South Lake Drive is prohibited per:
17.0206 - REDUCTION OR JOINT USE.

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Code. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

And

17.0403 - PARKING REQUIREMENTS. E.

SURFACING. All off-street parking areas shall be surfaced with an asphaltic or Portland cement pavement in accordance with City standards and specifications so as to provide a durable and dust free surface, and shall be so graded and drained as to dispose of all surface water. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.

And

17.0404 - ADJUSTMENTS TO REQUIRED PARKING. (3)

[Request for Reduction of Parking Spaces.] When a reduction of parking spaces attributable to shared parking or off-site parking is requested, the petitioner shall submit written verification that such parking is available and shall include copies of any contracts, joint lease agreements, purchase agreements, and other such documentation to show that such shared parking can be accomplished. The City Attorney shall provide an opinion designating the method by which the required shared parking shall be provided. Off-site shared parking spaces shall be clearly posted for the joint use of employees, and/or tenants, or customers of each respective use sharing those spaces.

And

17.0204 - USE RESTRICTIONS. B.

ACCESSORY USES AND STRUCTURES are permitted as specified in the district regulations but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this Code.

It is the opinion of the Zoning Administrator that the referenced off-street, off-site parking arrangement accommodating the nonconforming multi-family apartment building owner's desire for additional tenant parking is prohibited by the above code references. Further, he has determined that the offsite parking use established in this RS-2 single family residential district constitutes the conduct of a "business" as defined and prohibited in 17.0204 – USE RESTRICTIONS B., whereby the single family owner receives compensation for this non-specified use of his property. In addition, the Zoning Administrator further opines that the use of a single family residence to accommodate offsite parking for the nonconforming multi-family use is not in accordance with the character of a single family residential district and corollary accessory uses.

Adjourn.

Brian F. Biermat

Economic Development Director

CC: Mayor
Board Members
Aldermen
City Attorney
City Clerk
City Engineer
Building Inspector
Press/Posting

PUBLIC NOTICE

Upon reasonable notice, a good faith effort will be made to accommodate the needs of individuals to participate in public meetings who have a qualifying disability under the American with Disabilities Act. Requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service contact the Cudahy City Clerk at 769-2204 (FAX 769-2257). The meeting room is wheelchair accessible from the west entrance on South Lake Drive.

Note: There is a potential that a quorum of the Common Council will be present.