



Twin Falls Planning & Zoning Commission Minutes

Tuesday, June 9, 2020, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Council Chambers

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: David Detweiler

1) Call In Instructions

- a) To call in for Public Comment on the items on this agenda, please call **1-208-939-6718, Conference ID: 298 833 634#**. Calls must be received between 6:00 pm - 6:10 pm and will be put into the queue to speak during the Public Hearing portion of the meeting.

2) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 6:00 pm
A quorum was present.

Members Present: Titus, Kelley, Bolton, Hansen, Musser, Detweiler, Perez

Staff Present: Spendlove, Nope, Vitek, Cherry, Strickland, Ebersole, Hafer

3) Consent Calendar

Commissioner Kelley made a motion to approve the consent calendar, as presented.
Commissioner Detweiler seconded the motion.

Consent Calendar approved by a vote of 4-0-3

- a) Approval of Minutes for the following meeting: May 12, 2020

4) Items of Consideration

- a) Preliminary Presentation for a request for a Zoning District Change and Zoning Map Amendment from R-2, R-4, R-4 PRO, C-1 PUD to C-1 ZDA for property located at the northwest corner of Addison Avenue East Carriage Lane North c/o EHM Engineers, Inc. on behalf of Gary N. Nelson.(PZ20-0062)

Staff Presentation:

City Planner Strickland presented the Preliminary Presentation for a request for a Zoning District Change and Zoning Map Amendment from R-2, R-4, R-4 PRO, C-1 PUD to C-1 ZDA for property located at the northwest corner of Addison Avenue East and Carriage Lane North c/o EHM Engineers, Inc. on behalf of Gary N. Nelson.(PZ20-0062)

A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting June 23, 2020. Further staff analysis will be provided at that time. No action is taken at the presentation meeting.

The property has been historically used for agriculture. In June 1997, the City Council approved a rezone of this property to R-2, R-4, R-4 PRO, and C-1 PUD to allow mixed residential, professional and commercial development. The Cedar Park Agreement was recorded in 2004.

Staff will provide analysis of the request at the public hearing scheduled for **Tuesday, June 23, 2020.**

Upon conclusion staff makes no recommendation at this time. Staff will present a full analysis of the request at the public hearing-scheduled for **Tuesday, June 23, 2020.**

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc. representing applicant, presented the request for a Zoning District Change and Zoning Map Amendment from R-2, R-4, R-4 PRO, C-1 PUD to C-1 ZDA for property located at the northwest corner of Addison Avenue East and Carriage Lane North. This request incorporates Cedarpark #10, that was platted previously with the same usage with the unplatted portion, Cedarpark #13. They are asking to combining allowed uses as they have an interested party in the uses.

PZ/Questions & Comments: **none**

5) Public Hearings

- a) Request for a Special Use Permit to allow a Home Occupation on property located at 2436 Independence Street c/o Kara Larson. (app. PZ20-0050)

Staff Presentation:

City Planner Strickland presented the request for a Special Use Permit to allow a Home Occupation on property located at 2436 Independence Street c/o Kara Larson. (app. PZ20-0050)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the

Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

The home was built in the Hometown Subdivision in 2013. The home has a driveway approach on the street that should be sufficient for the customers to park.

The anticipated impact is a minimal amount of traffic comparable with people visiting the neighborhood. Staff expects that the applicant wants to be a good neighbor and will be mindful of her business and its possible impacts to the neighbors. Customers will be asked to park in the applicant's driveway and should they have to park on the street will be instructed not to block anyone's driveway. Neighbors are encouraged to notify the applicant should a problem arise and if necessary, they may contact city staff.

Upon conclusion should the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to compliance with all local, state and federal code requirements and other standards as applicable.

Applicant Presentation:

Applicant Kara Larson gave her presentation for the request for a Special Use Permit for a Home Occupation at 2436 Independence Street. Ms. Larson stated that she would like to have a home salon, to service her private clientele.

PZ/Questions & Comments:

- Commissioner Bolton asked what services the applicant will be providing.
- Ms. Larson stated she will offer haircuts, color services, and facial waxing.
- Commissioner Detweiler asked the client count.
- Applicant stated on average she sees 10 clients per week, but that number can fluctuate.

Public Hearing: Opened and Closed without input

Applicant Closing Statement:

- Ms. Larson asked about using the street parking in front of her house as the primary customer parking with the driveway being secondary use.
- PZ Director Spendlove stated the street parking is public parking. Private parking on the street cannot be granted through the SUP. Clientele is welcome to park on the street, as it is public parking.

Discussions Followed:

- Commissioner Musser asked staff if there could be a condition limiting the amount of traffic and what is the process for traffic complaints by neighbors who may be

affected.

- PZ Director Spendlove stated the commission can ask to bring the SUP back for review or a neighbor can file to revoke the SUP if there is a violation of conditions. If a neighbor feels there are consistent violations, they can contact staff and ask for an evaluation of the SUP.

MOTION: Commissioner Hansen moved to approve the request for a Special Use Permit to allow a Home Occupation on property located at 2436 Independence Street c/o Kara Larson, as presented with staff recommendations. (app. PZ20-0050)
Commissioner Bolton seconded the motion.

Unanimously Approved by a vote of 7 to 0.

- b) Request for a Special Use Permit to allow a Home Occupation on property located at 2181 Selway Street c/o William Salamone. (PZ20-0054)

Staff Presentation:

City Planner Cherry presented the request for a Special Use Permit to allow a Home Occupation on property located at 2181 Selway Street c/o William Salamone. (PZ20-0054)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Per County records the primary residence on the subject property was built in 2013. This is a request to allow a Home Occupation for a Federal Firearms Licensed Transfer business located at 2181 Selway Street. The subject property is located within the R-2 (Residential Single Household) Zoning District.

The applicant intends to operate on a part time basis however will schedule appointments Monday through Friday from 6:00 AM to 8:00 PM and Saturday from 9:00 AM to 6:00 PM. The applicant expects to provide services to two (2) customers per week day and as many as nine (9) customers on Saturdays.

Staff determines that the applicant's request is in accordance with City Code and City Comprehensive Plans.

If the Commission approves this request as presented, then staff recommends the following

conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant Presentation:

Applicant Salamone presented his request for a SUP for a Home Occupation. Mr. Salamone stated this will be a part time job to help support his family. Customers will be seen one at a time.

PZ/Questions & Comments:

- Commissioner Bolton asked staff if there have been any issues with similar SUP's or has staff had any contact with the ATF.
- City Planner Cherry stated there have been no reports of issues from similar SUP's.
- Commissioner Detweiler asked the applicant if there is a display of firearms to purchase in the home.
- Mr. Salamone stated there is no display at the home.

Public Hearing: Opened and closed without input

- Chairperson Titus stated there were written comments received prior to the meeting and all were reviewed by the commission.

Discussions Followed:

- Commissioner Musser stated lives nearby the applicant, and he is in favor of this request, but has had conversations with neighbors who are not in favor. He stated their concerns are with growth of the business and traffic flow in the neighborhood.
- Commissioner Kelley asked if we can revisit the traffic concern as a condition of permit.
- City Planner Cherry stated if anyone sees people not obeying the traffic laws, they can call the authorities.
- Commissioner Bolton stated that as none of the previous SUP's have been problematic and have to answer to the ATF, she does not see a safety threat as safety to neighbors and doesn't believe the commission can treat this request differently.
- Commissioner Perez stated believes there is no problem with this request.
- Commissioner Hansen asked about Commissioner Musser living close by and does he need to excuse himself from the item.
- City Attorney Nope stated there is no issue as Commissioner Musser brought forward the discussion he had with neighbors, and is not going to benefit from this request.

MOTION: Commissioner Kelley moved to approve the request for a Special Use Permit to allow a Home Occupation on property located at 2181 Selway Street c/o William Salamone, as presented with staff recommendations. (PZ20-0054).

Commissioner Bolton seconded the motion.

Unanimously Approved by a vote of 7 to 0.

- c) Request for a Special Use Permit to allow a drive through and extended hours of operation on property located at 468 North Haven Drive c/o L. Colby Ricks on behalf of Oasis Stop N Go LLC. (PZ20-0055)

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow a drive through and extended hours of operation on property located at 468 North Haven Drive c/o L. Colby Ricks on behalf of Oasis Stop N Go LLC. (PZ20-0055)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

The subject property has historically been used for agricultural uses. Currently the property is vacant / undeveloped.

This is a request for a Special Use Permit to allow a drive through facility and fuel sales with extended hours of operation on property located at 468 North Haven Drive. The subject property is zoned the C-1 (Commercial Highway) PUD (North Haven #245). The existing fueling station and convenience store located at 1662 Park View Drive would like to expand business operations to the immediate adjacent lot to the south (468 North Haven Drive).

The proposed expansion will include eight (8) additional fuel pumps and a drive through to provide drive through coffee services. Both proposed uses are being proposed in compliance with current parking and stacking requirements. It is anticipated that the new gas pumps will be accessible 24 hours a day and that the drive through will be open from 5:00AM to 9:00PM seven days a week.

It is determined by staff that in regards to the proposed building accompanying the requested drive-thru meets architectural design standards as established by the North Haven #245 PUD.

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant Presentation:

Colby Ricks, representing applicant, presented the request for the SUP. The drive through is not planned to be developed at this point, but wanted to ask for the use with this SUP. The fuel pumps will be the first item developed at this time.

PZ/Questions & Comments:

- Commissioner Hansen asked if the coffee shop will be built with pumps.
- Mr. Ricks stated there is no plan to build the coffee shop at this time.
- Commissioner Kelley asked the current hours.
- Mr. Ricks stated currently the fuel pumps run 24 hours a day.
- Chairperson Titus asked staff if in the future a tenant comes in for the drive through, does the hours of 24 hours a day come in to play.
- City Planner Cherry stated the 24 hours are only for the fuel pumps, with the coffee shop being on a different retail schedule.
- Chairperson Titus asked about the escape lane requirement with the drive through.
- City Planner Cherry stated the escape lane requirement would be reviewed with the building permit review.
- PZ Director Spendlove gave the building permit timeline guidelines.
- Commissioner Bolton asked if there is a tenant for the rental area.
- Mr. Ricks stated there is not a tenant yet.
- Chairperson Titus asked about if the landscaping requirements will be put in at the time of the pump construction.
- City Planner Cherry stated all site improvements will be in place with the pump construction.

Public Hearing: Opened and closed without input

Discussions Followed: without concerns

MOTION: Commissioner Hansen moved to approve the request for a Special Use Permit to allow a drive through and extended hours of operation on property located at 468 North Haven Drive c/o L. Colby Ricks on behalf of Oasis Stop N Go LLC, as presented with staff recommendations (PZ20-0055).

Commissioner Musser seconded the motion.

Unanimously approved by a vote of 7 to 0.

- d) Request Annexation with a Zoning Designation of R2 for property located at 700-1000 block of Hankins Road c/o EHM Engineers, Inc. on behalf of Joseph McCollum - McCollum Enterprises. (PZ20-0056)

Staff Presentation:

PZ Director Spendlove presented the Request for Annexation with a Zoning Designation of R2 for property located at 700-1000 block of Hankins Road c/o EHM Engineers, Inc. on behalf of Joseph McCollum - McCollum Enterprises. (PZ20-0056)

He stated that the PZ Commission's responsibility is to give City Council a recommendation

regarding the R2 zoning designation.

§10-15-2: Annexation: The Commission shall conduct at least one public hearing, to send a recommendation to City Council for the proposed plan and zoning designation. Interested persons shall have an opportunity to be heard at the commission and council hearings. The Planning & Zoning Commission hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

Per City and County records the subject properties have been both historically and currently used for agricultural purposes. The subject properties are currently vacant / undeveloped. This is a request to annex parcel RP10S17E133300 and RP10S17E133610, a total of 56 acres +/- between the two parcels located at the 700 – 1000 Block of Hankins Road. Currently the parcel is zoned R-2 (Residential Single Household or Duplex District). The applicant is requesting a zoning designation remain R-2 with this annexation.

The Commission is tasked to make a recommendation to the City Council on the zoning designation being requested by the applicant. The Commission's recommendation may be to, approve the request as presented, request a different zoning designation, or table the request in order to acquire additional information.

PZ/Questions & Comments:

- Commissioner Musser asked the differences between county and city zoning.
- PZ Director Spendlove stated there is no difference in the uses, just the governing body of the land.
- Commissioner Detweiler asked if still going to be used for agriculture for a while.
- PZ Director Spendlove stated he is not aware of the development timeline.
- Commissioner Bolton asked for clarification on the R2 zoning and would annexation give them access to city water and sewer services.
- PZ Director Spendlove stated if the area was to be developed, the R2 zone requires the use of city services.
- Commissioner Kelley asked for clarification on what the commission's role is tonight.
- PZ Director Spendlove clarified what the commission's role is, and they will not be part of the final decision for annexation.
- Commissioner Hansen asked if the current owners could develop the land without annexation.
- PZ Director Spendlove stated they could develop a few lots within the Area of Impact.
- Commissioner Bolton asked who owns the road currently.
- PZ Director Spendlove stated there is a maintenance agreement between the County and City with shared roads. If the annexation is approved, the City would take over maintenance of the portion of Hankins Rd.
- Commissioner Perez asked if the proposed density is the same as the developed areas around.
- PZ Director Spendlove clarified the zoning of the surrounding areas using the current zoning map.

Applicant Presentation:

David Thibault, EHM Engineers, representing applicants, presented the requests for the annexations of the McCollum and Rahe properties. He stated they would like to keep the R2 zoning designation. He stated this zoning is with comprehensive plan and consistent with the development to the west and north. He stated the annexation is the first step in the development process. He stated these properties will be part of a 4-7 year development process. With the annexation, he stated the properties will be serviced by the city for water and sewer.

PZ Questions/Comments:

- Chairperson Titus asked for clarification on the properties as part of the request and on the zoning designation recommendation and the different stages of the development process.
- PZ Director Spendlove stated the annexation is the first step of the development process.

Public Hearing: Opened

- Citizen Barbara Bratt stated her concern that the annexation would landlock her property without an access road. She asked for a delay for annexation.
- Citizen Kevin Skinner stated he would like to see larger lots be required for the development than the minimum R2 lot size.
- Citizen Marilyn Righetti asked who pays for the sewer and water improvement with this annexation. She also asked many homes per acre would be developed and where the roads would be placed in and out of the property. She stated there are no schools in the area to serve any new families that would come to the area.

Public Hearing: Closed

Applicant Final Statement:

Mr. Thibault stated there is no plan to change the property lines and the access roads would remain the same to current properties. Any development would not be impacting existing access. He stated the roadway development or lot size would be determined at the developmental process, so he can't answer the number of lots and how the roads will be developed at this time. He also stated the developers are required to install and pay for the infrastructure to city code standards. He stated the minimum lot sizes for the R2 zoning are 6,000 sq. ft for a detached single family residence and 10,000 sq. ft. for a duplex.

PZ Comments/Questions:

- PZ Director Spendlove stated the questions are valid, but do not pertain to this commission's recommendation, as the recommendation to City Council is only for the R2 zoning designation. He reviewed the minimum lot sizes and the development process.
- Commissioner Hansen asked about "right to farm" laws.
- PZ Director Spendlove stated person who is currently farming can keep farming as long as farm with best practices as identified by the State of Idaho.
- Commissioner Perez asked for clarification as far of green space and/or parks requirements in the annexation process.
- PZ Director Spendlove that is not part of the annexation process.

Discussion:

- Chairperson Titus clarified that in the platting process is when development will be brought back and notifications to the neighbors will go out again. She stated the roadways will be looked at by the commission at that time.
- Commissioner Hansen disclosed he was asked about the R2 designation and gave an answer to one of the neighbors, not knowing it was referring to this project.
- Commissioner Kelley reiterated that the concerns brought forward tonight are not considered as part of the commission's decision tonight. He stated he has no issue with retaining the R2 zoning designation.
- Commissioner Hansen agreed with retaining the R2 zoning designation.
- Commissioner Bolton stated there is a very specific focus tonight and is in agreement with retaining the current zoning.
- Commissioner Detweiler stated the town is growing and believes it makes sense. To not change the zoning.
- Chairperson Titus stated the zoning is cohesive with surrounding areas.
- Commissioner Hansen stated he is aware of the school boundaries being revised.

Motion:

Commissioner Bolton made a motion to recommend approval of the request for a zoning designation of R2 for property located at 700-1000 block of Hankins Road c/o EHM Engineers, Inc. on behalf of Joseph McCollum - McCollum Enterprises as presented, with staff recommendations. (PZ20-0056)

Commissioner Detweiler seconded the motion.

Unanimously approved by a vote of 7-0

- e) Request for Annexation with a Zoning Designation of R2 for property located at the 400-600 block of Hankins Road c/o EHM Engineers, Inc. c/o Ruth Rahe. (PZ20-0057)

Staff Presentation:

PZ Director Spendlove presented the request for Annexation with a Zoning Designation of R2 for property located at the 400-600 block of Hankins Road c/o EHM Engineers, Inc. c/o Ruth Rahe. (PZ20-0057)

§10-15-2: Annexation: The Commission shall conduct at least one public hearing, to send a recommendation to City Council for the proposed plan and zoning designation. Interested persons shall have an opportunity to be heard at the commission and council hearings. The Planning & Zoning Commission hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

Per City and County records the subject properties have been both historically and currently used for agricultural purposes. The subject properties are currently vacant / undeveloped. Currently the parcel is zoned R-2 (Residential Single Household or Duplex District). The applicant is requesting to be Annexed, and retain the current R-2 Zoning District designation.

The current zoning of the property is similar to surrounding development to the South and West. Modifying the zoning district from R-2 would require compliance with the Comprehensive Plan and Future Land Use Map.

The Commission is tasked to make a recommendation to the City Council on the zoning designation being requested by the applicant. The Commission's recommendation may be to, approve the request as presented, request a different zoning designation, or table the request in order to acquire additional information.

PZ/Questions & Comments:

- Commissioner Musser asked the differences between county and city zoning.
- PZ Director Spendlove stated there is no difference in the uses, just the governing body of the land.
- Commissioner Detweiler asked if still going to be used for agriculture for a while.
- PZ Director Spendlove stated he is not aware of the development timeline.
- Commissioner Bolton asked for clarification on the R2 zoning and would annexation give them access to city water and sewer services.
- PZ Director Spendlove stated if the area was to be developed, the R2 zone requires the use of city services.
- Commissioner Kelley asked for clarification on what the commission's role is tonight.
- PZ Director Spendlove clarified what the commission's role is, and they will not be part of the final decision for annexation.
- Commissioner Hansen asked if the current owners could develop the land without annexation.
- PZ Director Spendlove stated they could develop a few lots within the Area of Impact.
- Commissioner Bolton asked who owns the road currently.
- PZ Director Spendlove stated there is a maintenance agreement between the County and City with shared roads. If the annexation is approved, the City would take over maintenance of the portion of Hankins Rd.
- Commissioner Perez asked if the proposed density is the same as the developed areas around.
- PZ Director Spendlove clarified the zoning of the surrounding areas using the current zoning map.

Applicant Presentation:

David Thibault, EHM Engineers, representing applicants, presented the requests for the annexations of the McCollum and Rahe properties. He stated they would like to keep the R2 zoning designation. He stated this zoning is with comprehensive plan and consistent with the development to the west and north. He stated the annexation is the first step in the development process. He stated these properties will be part of a 4-7 year development process. With the annexation, he stated the properties will be serviced by the city for water and sewer.

PZ Questions/Comments:

- Chairperson Titus asked for clarification on the properties as part of the request and on the zoning designation recommendation and the different stages of the

development process.

- PZ Director Spendlove stated the annexation is the first step of the development process.

Public Hearing: Opened

- Citizen Barbara Bratt stated her concern that the annexation would landlock her property without an access road. She asked for a delay for annexation.
- Citizen Kevin Skinner stated he would like to see larger lots be required for the development than the minimum R2 lot size.
- Citizen Marilyn Righetti asked who pays for the sewer and water improvement with this annexation. She also asked many homes per acre would be developed and where the roads would be placed in and out of the property. She stated there are no schools in the area to serve any new families that would come to the area.

Public Hearing: Closed

Applicant Final Statement:

Mr. Thibault stated there is no plan to change the property lines and the access roads would remain the same to current properties. Any development would not be impacting existing access. He stated the roadway development or lot size would be determined at the developmental process, so he can't answer the number of lots and how the roads will be developed at this time. He also stated the developers are required to install and pay for the infrastructure to city code standards. He stated the minimum lot sizes for the R2 zoning are 6,000 sq. ft for a detached single family residence and 10,000 sq. ft. for a duplex.

PZ Comments/Questions:

- PZ Director Spendlove stated the questions are valid, but do not pertain to this commission's recommendation, as the recommendation to City Council is only for the R2 zoning designation. He reviewed the minimum lot sizes and the development process.
- Commissioner Hansen asked about "right to farm" laws.
- PZ Director Spendlove stated person who is currently farming can keep farming as long as farm with best practices as identified by the State of Idaho.
- Commissioner Perez asked for clarification as far of green space and/or parks requirements in the annexation process.
- PZ Director Spendlove that is not part of the annexation process.

Discussion:

- Chairperson Titus clarified that in the platting process is when development will be brought back and notifications to the neighbors will go out again. She stated the roadways will be looked at by the commission at that time.
- Commissioner Hansen disclosed he was asked about the R2 designation and gave an answer to one of the neighbors, not knowing it was referring to this project.
- Commissioner Kelley reiterated that the concerns brought forward tonight are not considered as part of the commission's decision tonight. He stated he has no issue with retaining the R2 zoning designation.
- Commissioner Hansen agreed with retaining the R2 zoning designation.

- Commissioner Bolton stated there is a very specific focus tonight and is in agreement with retaining the current zoning.
- Commissioner Detweiler stated the town is growing and believes it makes sense. To not change the zoning.
- Chairperson Titus stated the zoning is cohesive with surrounding areas.
- Commissioner Hansen stated he is aware of the school boundaries being revised.

Motion:

Commissioner Hansen made a motion to recommend approval of Request for Annexation with a Zoning Designation of R2 for property located at the 400-600 block of Hankins Road c/o EHM Engineers, Inc. c/o Ruth Rahe, as presented with staff recommendations. (PZ20-0057)
Commissioner Detweiler seconded the motion.

Unanimously approved by a vote of 7-0

- f) Request for a Special Use Permit to allow a Real Estate and Related Business on property located at 415 Addison Avenue c/o Melinda McKee on behalf of JCS Properties. (PZ20-0059)

Staff Presentation:

City Planner Strickland presented the request for a Special Use Permit to allow a Real Estate and Related Business on property located at 415 Addison Avenue c/o Melinda McKee on behalf of JCS Properties. (PZ20-0059)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

The building located along Addison Avenue has operated as a legal non-conforming office for many years. However, in 2017 the property came through for a rezone to include the parking area located to the north of the building. The rezone designated the property as R-4 PRO which requires special use permits for specific types of professional offices.

The accessory building located on site will require a building permit and meet zoning setback requirements to remain on site. Staff and the applicant anticipate minimal impacts to the surrounding property provided the property remains in compliance with City Codes and Standards.

Upon conclusion should the Commission approves this request as presented, then staff

recommends the following conditions.

1. Subject to compliance with all local, state and federal code requirements and other standards as applicable

Applicant Presentation:

Melinda McKee, administrator for JCS Properties, presented the request for the Special Use Permit. She stated on March 31, 2020, the owner of the property found out they were out of compliance with the current land use. She stated if they were aware of the issue, they would have applied for the Special Use Permit ahead of purchase. She stated it will still be used as an office, and the change is to the type of business. She explained that the property management office services the 18 properties owned by Mr. Sherrill. She added that the plan is to put up a fence to screen the entire north parking lot to be a secure area for parking and storage. There is a storage container in the back parking lot to house their maintenance supplies.

PZ/Questions & Comments:

- Commissioner Hansen asked when the property was purchased.
- Ms. McKee stated the property was purchased in August 2017.
- Commissioner Perez asked how tall the storage shed is.
- Applicant stated it is 8 feet tall.
- Chairperson Titus asked staff about the related business definition and why the request is not worded differently.
- PZ Director Spendlove clarified the verbiage.
- Chairperson Titus asked if the storage unit needs a separate permit.
- PZ Director Spendlove clarified it is considered a building, and will need a building permit. He explained the types of screening that is allowed.
- Commissioner Kelley asked the applicant how far is the container from the current fence.
- The applicant stated the container will be moved back to meet the setback requirement.
- Commissioner Hansen asked how long the container has been in the lot.
- The applicant stated as of March 2020.
- Commissioner Bolton asked staff when the zoning changed at this location.
- PZ Director Spendlove stated the change happened in 2017 before the property was purchased, which triggers the need for an SUP for use of the office.

Public Hearing: Opened

- Citizen Fred Sweatfield stated his concerns with this property and his desire for at least an 8 foot fence and the container moved.
- Citizen Carsten Jess stated his concerns with the shipping container and his issues with the applicant.
- Citizen Naomi Sweatfield asked to show photos of the property in question in regards to maintenance at the property line. The photos were presented as part of the record.
- City Attorney Nope stated any pictures shown need to be part of the record.

Public Hearing: Closed

Applicant Closing Statement:

Ms. McKee stated the fence shown in the pictures does not belong to the applicant. She stated they are willing to paint the container moved, they will paint it a neutral color. She stated once they put the fence on property, it will help raise it to appear taller and screen the property better. The fence will be professionally built.

Discussions Followed:

- Commissioner Hansen asked about using chain link.
- PZ Director Spendlove stated the screening requirement means totally obscured.
- Chairperson Titus asked staff who would maintain the space in between fence and neighbor.
- PZ Director Spendlove stated the property owner will be responsible for the maintenance of the property.
- Commissioner Detweiler asked if the container is moved, will it be within code requirements.
- PZ Director Spendlove stated as part of the building permit, they will be required to comply with code setbacks.
- Commissioner Detweiler stated he does not have an issue with the office space, and his only concern is the container location.
- Commissioner Hansen stated he does not believe the shipping container is harmonious. He would be in favor of the SUP without container allowed.
- Chairperson Titus asked for clarification of adding conditions.
- PZ Director Spendlove clarified what type of conditions can be added by the commission.
- Commissioner Hansen asked if the shipping container is considered a permanent building. He does not believe in this case, the container is harmonious.
- City Attorney Nope reviewed the seven (7) criteria for adding conditions.
- Commissioner Perez stated it may be a reasonable request if the applicant is willing to paint the container or make it less obvious.
- Commissioner Detweiler stated he isn't sure if containers are adequate for the area.
- Commissioner Kelley asked if painting the container to blend with the building could be harmonious. He stated with the screening fence and the container moved to the proper setback, he would approve the request.
- Commissioners Musser and Detweiler agreed.
- Commissioner Bolton has a concern with the container, but with paint and moving it, she stated she would be okay with it.
- Chairperson Titus stated the commission can add a condition as to the type of screening.
- PZ Director Spendlove stated the commission can add two specific conditions, one for the screening and one for the detached accessory building.

MOTION: Commissioner Hansen moved to add condition #2, subject to a solid screening fence of at least 6 feet tall, not to be made of chain link.

Commissioner Musser seconded the motion.

Unanimously Approved by a vote of 7 to 0.

MOTION: Commissioner Bolton moved to add condition #3, subject to the accessory building

moved to the proper setback per code requirements, and the accessory building being painted a neutral color to match the primary building.
Commissioner Musser seconded the motion.

Motion Approved by a vote of 6 to 1.

MOTION: Commissioner Kelley moved to approve the request for a Special Use Permit to allow a Real Estate and Related Business on property located at 415 Addison Avenue c/o Melinda McKee on behalf of JCS Properties. (PZ20-0059).
Commissioner Musser seconded the motion.

Unanimously Approved by a vote of 7 to 0.

6) Upcoming Meeting(s)

a) Tuesday, June 23, 2020

7) Adjournment

The meeting adjourned at 08:20 PM

Kelli Ebersole

Kelli Ebersole, Administrative Assistant