

Mike Castellucci
Chair

Brian Lucas
Vice Chair



Allison Ernst
Secretary

Steve Anselmo

Yvonne Lujan-Slak

Minutes for ZBA Hearing, March 22, 2016

City Council Chambers, 1 City Hall Place

MEETING CALLED TO ORDER

The meeting was called to order at 7:01 p.m. with Chairman Castellucci presiding.

Board Members Present: Mike Castellucci, Allison Ernst, Brian Lucas, and Yvonne Lujan-Slak

Board Member Absent: Steve Anselmo

Staff Members Present: Steven Meier, Director Community Planning Parks and Recreation; Todd Zeiller, Senior Planner; Alan Lamberg, Planner; and Paul Willumstad, Board Attorney.

APPROVAL OF MINUTES

Motion to approve the corrected minutes from the meeting February 23, 2016, by Ernst, second by Lujan-Slak.

Motion passed 4 - 0

APPROVAL OF AGENDA

Motion to approve the agenda for March 22, 2016, by Ernst, second by Lujan-Slak.

Motion passed 4 - 0

REGULAR BUSINESS

Consent Agenda

No items.

Regular Agenda

Each case the follows proceeded in a uniform process as directed by Chair Castellucci. Beginning with a staff report presented by Senior Planner Todd Zeiller, then questions, if any, from the Board to staff members. Next, the applicant is sworn in by Board Attorney Paul Willumstad, then the applicant states his or her name and address. The Board questions the applicant. Applicant may add further information, followed by further questions, if any, from the Board. Then the Board asks if anyone present in the audience will state support for the applicant, followed by those who state opposition. Then the Board closes the public hearing and reviews findings of fact. Then the Board may motion to approve or deny the application for permit. In some cases, permits may be conditionally approved.

ZBA-16-07 (Parcel 1514219001; corner of Alma and Tucci)

Special Use Permit to allow 5 single family attached units in lieu of two or three duplexes. *Continued from February 23, 2016 Hearing*

Applicant Rocky Mangini attended

Castellucci confirmed with Mangini his understanding of the staff report and standard conditions. Mangini explained his plan for development. No public comments.

Commission Action:

Motion to grant by Ernst, second by Lucas.

Motion passed 4 – 0 with standard permit conditions.

ZBA-16-12 (500 W 3rd St)

Special Use Permit to allow retail sales and garden center.

Applicant representative Crystal Haeberle attended

Ernst asked Zeiller for clarification about previous use of building. Nonconforming use confirmed by Haeberle. Haeberle assured that any materials stored outside the building within the fenced lot will be contained and/or wrapped to abide by staff conditions. No public comments.

Commission Action:

Motion to grant by Lucas, second by Lujan-Slak.

Motion passed 4 – 0 with standard permit conditions and recommended staff conditions.

ZBA-16-13 (2208 Thatcher Ave)

Special Use Permit to continue to allow a dental office.

Applicants Mike & Kristi Craig attended

Kristi Craig stated her intention for long term use of the property. No public comments.

Commission Action:

Motion to grant by Lucas, second by Lujan-Slak.

Motion passed 4 – 0 with standard permit conditions.

OLD BUSINESS

Regular Agenda

ZBA-16-10 (5001 N Elizabeth St.)

ZBA-16-11 (1500 W US HWY 50)

Special Use Permit to allow the location of a mobile cigar shop. **Clarification.**

Applicant Sam Grassmick attended.

Castellucci asked Willumstad for clarification of process. Willumstad stated that a motion and discussion would be sufficient.

Commission Action:

Motion made by Ernst to clarify and amend previous decision, where thirty (30) days per year is adjusted to fifty-two (52) days per year to fulfill intermittent use one day per week throughout the year, second by Lujan-Slak.

Motion passed 4 - 0

(Note: The Zoning Board of Appeals based their original decision in February, 2016, based on Section 17-4-51: *Permitted use of land and buildings, (d) Use performance standards ... (12) Retail sales, intermittent, (a) Use permitted ... for a maximum of thirty (30) days per year.* The decision was amended in March, 2016, according to Section 17-4-51: *Permitted use of land and buildings. (b) Permitted Uses Table Legend, (2) In terms of any land use defined by these standards, the following shall apply: (g) Special Use Permits (S): Certain uses may be permitted in the designated zone district only after obtaining a special use permit in accordance with Section 17-5-33, compliance with specific conditions contained in Section 17-4-51 and any additional conditions deemed appropriate by the Zoning Board of Appeals. The Zoning Board of Appeals may add to or deviate from the specific conditions listed in Section 17-4-51, as deemed appropriate.)*

ADJOURNMENT

Motion to adjourn at 7:45 p.m. by Castellucci, second by Lucas.

Motion passed 4 - 0

Minutes respectfully submitted by Lamberg.