

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

Minutes for July 27, 2021

City Council Chambers, 1 City Hall Place

The meeting was called to order at 7:04 p.m. with Chair Castellucci presiding.

Board Members Present: Mike Castellucci, Elizabeth (Lisa) Bailey, and Georgia Way.

Board Members Absent: Yvonne Lujan-Slak and Steve Anselmo

Staff Members Present: Beritt Odom, Principal Planner; Daniel Kogovsek, Board Attorney; Bartholomew Mikitowicz, Planner and Danielle Persinger, Planner.

~ Approval of Minutes

Motion to approve the minutes from the meeting of June 22, 2021, by Bailey second by Way.

Motion passed 3- 0.

~ Approval of Agenda

Bailey moved to approve the agenda. The motion was seconded by Way.

Motion passed 3 - 0.

REGULAR AGENDA

Each case that follows proceeded in a uniform process as directed by Chair Castellucci. Beginning with a staff report presented by Planner Bartholomew Mikitowicz or Planner Danielle Persinger, then questions, if any, from the Board to staff members. Next, the applicant is sworn in by Board Attorney Daniel Kogovsek, then the applicant states his or her name and address. The Board questions the applicant and confirms understanding of staff report and conditions for approval. 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.

Two board members were absent for the meeting so Castellucci offered the two applicants present the opportunity to continue their case until the next meeting on August 24, 2021. Both applicants present at the time stated they would like to have their hearing tonight and understood all board members would need a "yes" vote in order for permit approval. The final applicant, Mr. Beaupre, who joined the meeting later, also agreed to have his case heard tonight before his case was presented.

1. ZBA-21-19 3110 Granada SUP (Genavie Valdez) A Special Use Permit to allow a Tow Yard in a Light Industrial (I-2) Zone District.

Castellucci asked whether the applicant was in the audience to represent the request when he asked if she still wanted her case heard tonight regardless of missing members, applicant attended via Zoom. Castellucci then asked for the staff presentation, which was given by Ms. Persinger. Castellucci asked about the duration of vehicle storage on the lot? Mr. Mikitowicz answered that this was not covered in the definition. Ms. Odom stated this is not limited in Zoning Code but if the Board would like to impose a condition they could consider that as part of the SUP. Castellucci then asked about size of lot and whether applicant will be able to keep all vehicles on premise and not park/utilize the streets? Mr. Mikitowicz answered the conditions set by the Transportation Dept would limit the space. Ms. Odom added that the Transportation Dept is requiring a site plan with dimensions of parking spaces for approval before they are issued SUP. Castellucci asked Mr. Kogovsek if applicant does not follow conditions in SUP could the permit be revoked? Mr. Kogovsek stated this is correct. Castellucci asked for the applicant to be sworn in via Zoom. **Genavie Valdez** was sworn in by Mr. Kogovsek. Following such actions, the applicant introduced herself and offered to answer any questions. Castellucci asked the applicants if they read the staff report, understand the conditions, and can comply with the staff conditions. **Ms. Valdez** stated that she read the staff report and can comply with the conditions. Ms. Valdez asked about parking requirements for customers and stored vehicles? Castellucci reiterated Transportation site plan with dimension requirements. Ms. Valdez stated there would be adequate parking space for customers and she could provide site plan to Transportation. Castellucci asked applicant if they plan on storing cars in customer parking spaces? Applicant answered no. Castellucci asked applicant how long they plan on storing cars on property? Applicant answered 30 days at the most. Castellucci asked if they are planning on parking tow trucks on this property as well? Applicant answered that they just purchased another lot to park tow trucks on. Mr. Castellucci asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Mr. Castellucci asked if there was anyone wishing to speak in opposition of the application, there were none. The public hearing was then closed.

Commission Action:

Motion to grant with standard conditions, staff conditions, and additional 30 day storage limit by Bailey, second by Way.

Discussion:

Castellucci brought up to Mr. Kogovsek that applicant is parking tow trucks on undeveloped PUD lot and blocking traffic while unloading vehicles, can he make a stipulation concerning this? Mr. Kogovsek stated the Board could make this a condition of the SUP. At this time Castellucci states that he would like to make a motion to amend motion to include parking on PUD lot is prohibited, as well as parking tow trucks along the road.

Vote on amendment: 3-0

Motion passed with additional condition and prior conditions 3-0.

2. **ZBA-21-20 200 N. Vision Lane SUP (Austin Steir) A Special Use Permit to allow a Salvage Yard in a Light Industrial (I-2) Zone District, contingent on the parcel being rezoned from B-3 to I-2.**

Castellucci stated that ZBA-21-20 has been continued to August 24, 2021 ZBA hearing. Mr. Castellucci asked if there was anyone in the audience wishing to speak in favor of the application, there were none.

3. **ZBA-21-21 34 Macnaughton LUP (Julie Ann Allender) A Limited Use Permit to allow a Homebased Business with onsite clients and signage in a Single Family Residential (R-1) Zone District.**

Castellucci asked whether the applicant was in the audience to represent the request when he asked if she still wanted her case heard tonight regardless of missing members, applicant attended via Zoom. Castellucci then asked for the staff presentation, which was given by Mr. Mikitowicz. Castellucci asked about modifications Regional Building submitted for the closed in patio? Mr. Mikitowicz answers yes, the applicant went through Regional and was approved for the modifications. Castellucci then asked for the applicant to be sworn in via Zoom. **Julie Ann Allender** affirmed her testimony to Mr. Kogovsek. Following such actions, the applicant introduced herself and offered to answer any questions. Castellucci asked the applicants if they read the staff report, understand the conditions, and can comply with the staff conditions. **Ms. Allender** stated that she would like to note that the house next to her also has a business that has not gone through the ZBA process, and she meets with patients on her patio because of Covid-19. Castellucci asked where she plans to meet with patients during winter and how patients would use restroom? Ms. Allender responded that the patio is enclosed with cooling and heating and patients are told ahead of time that they cannot use restroom. Castellucci asked if she has explored having an office outside of her home? Ms. Allender stated she has always run her business from her home, and it is financially feasible to rent another space. Castellucci asked about her hours of operation? Ms. Allender sees patients Monday and Tuesday only; she assists ten patients a week from her home. Way asked the applicant if she anticipated changing the way she conducts her business once the pandemic subsided? Ms. Allender replied no. Ms. Allender asks why her patients need to park in the driveway and not on street? Ms. Odom responded the purpose of the parking condition is to ensure character of neighborhood stays residential. Mr. Castellucci asked if there was anyone in the audience wishing to speak in favor of the application, there was a letter submitted to the Planning Department from an adjacent neighbor. Mr. Castellucci asked if there was anyone wishing to speak in opposition of the application, there were none. The public hearing was then closed.

Commission Action:

Motion to grant with staff conditions, standard permit conditions, and business operation hours are Monday and Tuesday by Bailey, second by Way.

Motion passed 3-0.

4. ZBA-21-22 1408 Spruce Street SUP (John R. Beaupre, Phoenix Corp, LLC) A Special Use Permit to allow a Residence, Multifamily in a One and Two Family Residential (R-3) Zone District.

Castellucci asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, via Zoom, that they were present, Castellucci then asked applicant if he still wanted his case heard tonight regardless of missing Board members or if he wanted to continue until the August 24, 2021 meeting. Applicant wanted to have his case heard tonight. Castellucci asked for the staff presentation, which was given by Mr. Mikitowicz. Castellucci is asking how many units total? Mikitowicz replied there would be five units total. Castellucci then asked for the applicant to be sworn in via Zoom. **John Beaupre** was sworn in by Mr. Kogovsek. Following such actions, the applicant introduced himself and offered to answer any questions. Castellucci asked the applicants if they read the staff report, understand the conditions, and can comply with the staff conditions. **Mr. Beaupre** stated that he has read the staff report and can comply with the conditions but had a question about the vegetation requirement but would work with Mikitowicz to clarify later. Castellucci confirmed with applicant how many units total. Mr. Beaupre stated the side house would be one unit and the church would be four additional. Mr. Castellucci asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Mr. Castellucci asked if there was anyone wishing to speak in opposition of the application, there were none. The public hearing was then closed.

Commission Action:

Motion to grant with staff conditions and standard conditions by Bailey, second by Way.

Motion passed 3-0.

OLD/NEW BUSINESS

~ **Adjourn:** Meeting adjourned at 7:58 p.m.

Minutes respectfully submitted by Danielle Persinger.