

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

Minutes for September 28, 2021

City Council Chambers, 1 City Hall Place

The meeting was called to order at 7:06 p.m. with Chair Castellucci presiding.

Board Members Present: Mike Castellucci, Elizabeth (Lisa) Bailey, and Steve Anselmo

Staff Members Present: Scott Hobson, Acting Director for Department of Planning and Community Development; Beritt Odom, Principal Planner; Daniel Kogovsek, Board Attorney; Bartholomew Mikitowicz, Planner and Danielle Baxter, Planner.

~ Approval of Minutes

Motion to approve the minutes from the meeting of August 24, 2021, with correction of the name "Slak," by Bailey second by Anselmo.

Motion passed 3- 0.

~ Approval of Agenda

Bailey moved to approve the agenda. The motion was seconded by Anselmo. Later due to technical difficulties Castellucci made a motion to amend agenda to allow ZBA-21-20 to be heard second after ZBA-21-26, this was moved by Anselmo and seconded by Bailey.

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 Baxter, 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.

1. 815 Crane Ridge Drive SUP (Mike & Wendy Fetty) A Special Use Permit to allow a Tow Yard in a Business Park (BP) Zone District, contingent on the parcels being rezoned from B-4 to BP.

Castellucci asked whether the applicant was in the audience to represent. Castellucci then asked for the staff presentation, which was given by Ms. Baxter. Castellucci then asked for the applicant to be sworn in. **Mike Fetty** affirmed his testimony to Mr. Kogovsek. Following such actions, the applicant introduced himself and offered to answer any questions. Castellucci asked the applicant if they read the staff report, understand the conditions, and can comply with the staff conditions. Mr. Fetty agreed. Mr. Fetty stated that they are considering not rezoning Lot 8 to BP and leaving it at B-4 and will complete the rearrangement of property boundaries as required. Mr. Fetty is leaning towards rearranging boundaries to create three parcels. Mr. Castellucci asked about the length of time vehicles are stored on property. Mr. Fetty states that most vehicles are stored for three days to a week for an accident, with a maximum of 30 days, he does not want to store vehicles long term. Any vehicles involved in a death or other special case may stay for over a year as directed by the police department. Mr. Fetty stated that he did not envision this area as boutique commercial as there are similar businesses in the area. Mr. Anselmo asked about dust mitigation and Mr. Fetty stated they plan to pave the parking lot and use road-based gravel in the storage area to decrease dust.

Mr. Castellucci asked if anyone wished to testify in support of the applicant, there were none. Mr. Castellucci asked if anyone wished to testify in opposition, there were two people in the audience that were sworn in by Mr. Kogovsek to testify. Debra Ellis stated that she lives in the residential area to the north of the property and has a direct view of Lot 8. Ms. Ellis states that she is concerned with potential noise, dust, smells, and chemicals seeping into the ground. Ms. Ellis is also concerned with the required six-foot height of the fence and does not think this is tall enough to obstruct view of cars. Gwen McConnell owns the business to the northeast of the property, across Fortino Blvd. Ms. McConnell states a tow yard will have an adverse effect to their property value and their business.

Mr. Fetty addressed the comments expressed by those in opposition. Mr. Fetty agrees that a six-foot fence is not tall enough and they are looking into an eight-foot fence. Mr. Fetty stated the new building will be decorative, modern, and will add value to the area, which is currently undeveloped with a transient population. Mr. Fetty states there are plenty of noise mitigation measures he is willing to take but there will be some noise. Ms. Bailey asked how tall the building will be. Mr. Fetty stated around seventeen feet at the peak.

Commission Action:

Motion to grant with staff conditions, standard permit conditions, and additional condition that vehicle storage be limited to 45 days, unless otherwise required by law for a vehicle to be stored for a longer time, motioned by Anselmo, seconded by Bailey.

Motion passed 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.**

Mr. Castellucci asked whether the applicant was in the audience to represent. Castellucci then asked for the staff presentation, which was given by Mr. Mikitowicz. Castellucci then asked for the applicant to be sworn in. **Austin Steir** affirmed his testimony to Mr. Kogovsek. Following such actions, the applicant introduced himself and offered to answer any questions. Castellucci asked the applicant if they read the staff report, understand the conditions, and can comply with the staff conditions. Mr. Steir agreed.

The rezoning process has already been approved through the Planning and Zoning Commission. Mr. Steir stated that he does not own the parcel separating his two parcels but says he is looking to purchase it in the future. Mr. Steir says he has an unofficial agreement with the property owner of that parcel that he can drive across the parcel for access to his lot.

No one spoke in support or opposition of the applicant.

Commission Action:

Motion to grant with staff conditions, standard permit conditions, motioned by Anselmo, seconded by Bailey.

Motion passed 3-0.

OLD/NEW BUSINESS

1. **ZBA-20-32 1720 N. Elizabeth St Extension Variance (Alfred Vargas) A one year extension request for a Variance to reduce the side yard setback from five (5) feet to zero (0) feet in a Single Family Residential (R-2 Zone) District.**

Castellucci asked the board if they recalled the proposed structure and if they had any concerns or questions.

Commission Action:

Motion to grant extension with staff conditions, standard permit conditions motioned by Bailey, seconded by Anselmo.

Motion passed 3-0

~ **Adjourn:** Meeting adjourned at 8:19 p.m.

Minutes respectfully submitted by Danielle Baxter.