

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

Minutes for August 24, 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, Georgia Way, Yvonne Lujan-Slak and Steve Anselmo

Staff Members Present: 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 July 28, 2021, by Bailey second by Slak.

Motion passed 5- 0.

~ Approval of Agenda

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

Motion passed 5 - 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. **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 asked whether the applicant was in the audience to represent the request when he asked or attending via Zoom. Since the applicant was not present. A motion was made to move the case to the back of the agenda. Bailey moved; the motion was seconded by Slak. The applicant did not appear before the end of the meeting.

Commission Action:

Motion to grant and extension to the September 28th meeting granted.

Motion passed 5-0.

2. **ZBA-21-23 4625 N Elizabeth Street Special Use Permit (Brett Rogers) A Special Use Permit to allow a Storage Facility, self-storage in a Highway and Arterial Business (B-3) Zone District.**

Castellucci asked whether the applicant was in the audience to represent. Castellucci then asked for the staff presentation, which was given by Mr. Mikitowicz. Mr. Castellucci asked if the board had already approved this, previously under the same name. Mr. Mikitowicz confirmed this was the case however the permit expired in 2019 and the applicant was required to reapply. Castellucci then asked for the applicant to be sworn in. **Brett Rogers** 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. Rogers agreed

Commission Action:

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

Motion passed 5-0.

3. **ZBA-21-24 1201 N Main Street Special Use Permit (Heather Sandoval) A Special Use Permit to allow a Theater (general) in a Multiple-Residential and Office (R-5) Zone District.**

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. **Heather Sandoval** affirmed her testimony to Mr. Kogovsek. Following such actions, the applicant introduced herself 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. Ms. Sandoval agreed

Commission Action:

Motion to grant with staff conditions, standard permit conditions motioned by Slak, seconded by Way.

Motion passed 3-2. (Bailey, Anselmo, Way – For) (Slay, Castellucci - Against)

4. **ZBA-21-25 330 Lake Avenue Special Use Permit (Christopher Hall) A Special Use Permit to allow a Charitable Institution in a One and Two-Family Residential (R-3) Zone District.**

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. **Christopher Hall** affirmed his testimony to Mr. Kogovsek. Following such actions, the applicant introduced herself 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. Hall agreed. Castellucci asked if there would be a soup kitchen? Mr. Hall answered only a food pantry. Bailey asked if they will just shop and leave? Mr. Hall responded that they could, but there were also other services available on site for them to take advantage of. Castellucci asked if there was a procedure to revoke, the special use permit if it became a nuisance. Mr. Kogovsek answered that the Zoning Board of Appeals had the power to revoke the permit. Ms. Odom added that violations of the conditions would be a violation of the permit. **Julie Fairman** felt this is a substantial deviation from the current use; worried about traffic. She read a letter into the record. The letter included concerns about traffic, lack of information, definition of a charitable institution, lack of outreach, and effects on property values. **Carla Henderson** felt the neighborhood was sensitive to these issues. Is Head Start programs still going to be there? She was concerned about traffic. She felt that the one-hundred-foot boundary for noticing was inadequate. She was concerned about parking and the noise from trash collection. She felt the PCC had similar programs that there would be redundant. **Christopher Hall** acknowledged the lack of community outreach. He felt traffic will actually be less. Mr. Hall will investigate grants for paving of the parking lot, he also went into detail of the various job training programs. Castellucci asked about capacity and limiting hours. Mr. Hall responded that they service 50-200 on the open pantry days, which may include weekends and evenings.

Commission Action:

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

Motion passed 3-2. (Bailey, Anselmo, Way – For) (Slay, Castellucci - Against)

OLD/NEW BUSINESS

1. **ZBA-20-43 2705 Lake Ave Extension Special Use Permit 2705 Lake Ave (Patti Olenick) An extension request for a Special Use Permit to allow a Minor Food Processing Facility in a Central Business (B-4 Zone) District.**

Castellucci asked for the staff presentation, which was given by Ms. Baxter.

Commission Action:

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

Motion passed 5-0

~ Adjourn: Meeting adjourned at 8:32 p.m.

Minutes respectfully submitted by Bart Mikitowicz.