

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's November 14,
2023 Meeting**

I. Call to Order

Tim Haynes, Chairperson, called the meeting to order.

Present: Scott Smith, Lisa Richard, Andy McLenon, Rachel Lyon, Michelle Anderson, Tim Haynes, Brent Littleton, Mary Jo Meier

Absent:

Guests: Corey Hugo, Austin Spivey, Jennifer Christensen, Tim Christensen, Matthew McLenon, Elizabeth Moore, C.L. Parker

II. Minutes

- a. Consider approving minutes of the September 5, 2023 Planning Commission/Board of Zoning Appeals meeting.

Motion:

On the motion of Rachel Lyon, seconded by Scott Smith the Commission approved the September 5, 2023 Minutes.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Lisa Richard, Scott Smith

Nay: None

III. Planning Commission

- a. Public Hearing to receive comments on a request for a conditional use permit for "utility substations not elsewhere listed" in an R-4, medium density multifamily dwelling district at 401 North 10th Street.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission moved to adjourn the public hearing until December 12, 2023 at 5:30 PM.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Lisa Richard, Scott Smith

Nay: None

- b. Public Hearing to receive comments on a request for a conditional use permit for an "Accessory use not located on the same lot or contiguous lot as the principal building or principal use served per 607.1.d." in an R-4, medium density multifamily dwelling district at 200 South 5th Street/301 East Maple Street. The specific accessory use requested is a storage shed to serve the primary structure located across the street at 308 East Maple Street, which is also in an R-4, medium density multifamily dwelling district.

Tim Christensen stated that he and Jennifer purchased the lots across the street a couple of years ago and bought a lawnmower and then needed a

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storage shed to put the lawn mower in, so they put one on the property. After realizing that they were in violation of the City code they worked with Kelly Passauer on getting a text amendment to allow the storage shed to be there and are now asking for a conditional use permit.

Motion:

On the motion of Rachel Lyon, seconded by Brent Littleton the Commission recommended the City Commission approve a conditional use permit for a storage shed directly across the street from 308 East Maple Street with the following special conditions as required by Section 1015 of Article X of the Zoning Code:

1. Must be located on an adjacent lot to the principal building or principal use served, excluding public rights-of-way.
2. Must be located in the same zone as required for the principal building or principal use it serves.
3. Must be under the same ownership as the principal building principal use served.
4. Must be located at the rear of the adjacent lot if there is access thereto.
5. Must be in compliance and continue to be in compliance with all other City codes, including Section 607 relating to accessory uses.

If the accessory uses no longer comply with any of the special conditions above, then the conditional use permit will be revoked, and the accessory uses previously allowed will be required to either be removed or otherwise come into compliance with City code.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Lisa Richard, Scott Smith
Nay: None

- c. Public hearing to receive comments to consider rezoning a tract of land at 2700 West Main Street from C-4, highway commercial district to M-1, light industrial district; and to receive comments on a request for a conditional use permit for "Retail trade not elsewhere listed".

Corey Hugo stated that they need some more room for storage for Hugo's and discovered that it would make everything easier if they got the entire property zoned the same.

Motion:

On the motion of Lisa Richard, seconded by Mary Jo Meier the Commission approved rezoning the portion of the tract currently zoned C-4, highway commercial district located at 2700 W. Main to M-1, light industrial district.

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Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Lisa Richard, Scott Smith
Nay: None

- d. Public Hearing to receive comments on a request for a conditional use permit for "Retail trade not elsewhere listed" at 2700 W. Main Street.

The applicant plans to construct a storage building on their large parcel for storage but also want to obtain a conditional use permit for "Retail trade not elsewhere listed" to be able to sell retail unrelated to their industrial supply wholesale business at a later date if needed.

Motion:

On the motion of Scott Smith, seconded by Rachel Lyon the Commission recommended to the City Commission approval of a conditional use permit at 2700 W Main Street for "Retail trade not elsewhere listed" with the following conditions:

- 1. Any retail trade not related to the primary business must be contained in a tenant space meeting the following requirements:**
 - 1. Minimum tenant space: 5,000 square feet, which may be non-contiguous as long as it is within the same building. Each commercial space intended to be occupied by a single commercial user or each commercial space which has separate doorway access from the exterior of the building or from an interior corridor of an enclosed mall shall be considered to be a tenant space. Exception: Businesses catering to the motoring public shall be exempt from the minimum tenant space requirement. Automobile service stations, convenience stores, restaurants, and financial institutions with drive-up or drive-through facilities shall be deemed to be "businesses catering to the motoring public." The determination whether any business constitutes a "business catering to the motoring public" shall be made by the city planner, whose determination shall be appealable to the board of zoning appeals.**
 - 2. The conditional use permit is not transferable to another location.**
 - 3. The applicant must follow all City codes.**

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Lisa Richard, Scott Smith
Nay:

- e. Consider rescheduling the December 5, 2023 meeting.

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Kelly Passauer explained that there was a conflict on the 5th and asked the commission if they would consider the 12th as the meeting date for December.

Motion:

On the motion of Mary Jo Meier, seconded by Andy McLenon the Commission moved to reschedule the December 5, 2023 meeting to December 12, 2023 at 5:30 PM in the Veterans Room of Memorial Hall.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Lisa Richard, Scott Smith

Nay: None

IV. Board of Zoning Appeals (Does not include outside City appointments)

- a. Public hearing to receive comments on a variance request for setbacks in an M-1, light industrial district at 2700 W. Main Street.

Corey Hugo requested a 5 foot reduction to the west side yard setback and a 10 foot reduction to the front yard setback.

Motion:

On the motion of Tim Haynes, seconded by Scott Smith the Commission approved a variance request to reduce the west side yard setback from 15 feet to 10 feet, and to reduce the front yard setback from 25 feet to 15 feet in an M-1, light industrial district, currently a C-4, highway commercial district being considered for rezoning at 2700 West Main Street, Pending the final approval of the rezoning request.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Mary Jo Meier, Lisa Richard, Scott Smith

Nay: None

V. Discussion

Kelly Passauer sent a link for the comprehensive plan community feedback. She asked the board members to please fill out the survey. She also let the board members know that Tony Royse had resigned and that Andy McLenon's term expires in January, 2024, so there will be a total of three openings, two inside City limits and one outside City limits.

VI. Adjournment

Motion:

On the motion of Mary Jo Meier, seconded by Michelle Anderson the Commission moved to adjourn the meeting.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy

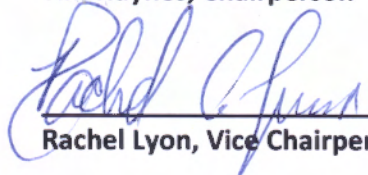
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McLenon, Mary Jo Meier, Lisa Richard, Scott Smith

Nay: None



Tim Haynes, Chairperson



Rachel Lyon, Vice Chairperson