

**MINUTES-REGULAR MEETING
MAIZE CITY PLANNING COMMISSION AND
BOARD OF ZONING APPEALS
THURSDAY, MARCH 1, 2018**

The Maize City Planning Commission was called to order at 7:00 p.m., on Thursday, *March 1, 2018, for a Regular Meeting with Bryan Aubuchon, presiding. The following Planning Commission members were present: Mike Burks, Bryan Aubuchon, Dennis Downes, Andy Sciolaro, Jennifer Herington and Mike Strelow. Not present was Bryant Wilks. Also present were Sue Villarreal, Recording Secretary; Kim Edgington, Planning Administrator; Richard LaMunyon, City Administrator; Bill McKinley, City Engineer; Bret Bowman, Applicant; Jorge Fabela, applicant; Lori Byers, Citizen; Edward Hull, Citizen; Mike Bliss, Citizen; Tom Briceland, Citizen; Mary Belton, Citizen; Maria Vital, Citizen; Graham Smith, Gould Evans.*

APPROVAL OF AGENDA

MOTION: *Downs* moved to approve the agenda as presented.
Herington seconded the motion.
Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: *Sciolaro* moved to approve the minutes of January 4, 2018 and February 1, 2018 with the following changes:
January 4, 2018 – Add Jennifer Herington to members present.
February 1, 2018 – call to order on Thursday February 1, 2018.
Burks seconded the motion.
Motion carried unanimously.

OLD BUSINESS

Z-01-018 – Zone change for approximately 8.6 acres from SF-5 Single Family to LC Limited Commercial. Deferred from the February 1, 2018 Planning Commission meeting.

Edgington explained that the proposed change in zoning is not an appropriate use of land due to the property's rural nature. If the commission determined the zone change is appropriate, staff recommends a Protective Overlay be placed on the property.

Bowman indicated he needs a minimum of 6 building to display for his franchise.

MOTION: *Burks* moved to approve Z-01-018 with the following protective overlay:

- 1) Only 8 units will be allowed
- 2) Units will be allowed within 4 areas totaling 5,000 square feet as designated on attached map
- 3) No signage will be allowed
- 4) Only allow agricultural sales and service
- 5) All other uses in Limited Commercial, other than those already permitted in SF-5 will be prohibited.

Herington seconded the motion.

Aubuchon requested a roll call vote to approve Z-01-018 with the following results:

Burks – yes
Sciolaro - no
Aubuchon - yes
Downes - no
Herington - no
Motion denied.

Edgington stated that the City Council would make a final ruling on March 19, 2018.

NEW BUSINESS

Z-02-018 – Zone change for approximately 2 acres from SF-5 Single Family to LC Limited Commercial at the southeast corner of Maize Road and Lakelane.

Edgington explained that the applicant would like to build a building to conduct a home occupation of a tree service but has not constructed a residence on the lot. A home occupation can only exist if there is a residence on the site. The best course of action would be for the applicant to obtain a Conditional Use permit. A site plan would be required and would determine an exact building location and timeframe for construction and compliance. Staff recommended the following conditions:

- a. A principle dwelling structure shall be constructed within 5 years of the date of approval of this Conditional Use. If this condition is not met within the 5-year time period the property owner shall be required to request an amendment to the original Conditional Use. A Conditional Use amendment would require a new public hearing to be conducted by the Planning Commission.
- b. No equipment shall be used that creates noise, vibration, electrical interference, smoke or particulate matter emission, or odors that are in excess of ordinary and usual conditions prevailing in the immediate neighborhood as determined by the Planning Administrator.
- c. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.
- d. The home occupation shall be conducted entirely within the principal dwelling unit or in a permitted accessory structure.
- e. No manufacturing or processing or conducting of a trade of any sort shall be done and no inventory shall be displayed or sold on the premises.
- f. The home occupation may be conducted in an accessory structure having a floor area up to 3,000 square feet.
- g. Only one accessory structure shall be allowed on this lot.
- h. No sign shall be permitted except when required by law. When such a sign is required, it shall not be larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.
- i. The location of the accessory structure on the lot shall be determined by the Planning Commission.

Fabela stated he would like to build a building with an office and a place to store his equipment. He would like to build a house within 5 years.

The following citizens cited their concerns:

Byers – Many kids who live and play along street, already 2 wood chips piles on property, traffic, concerns of property being maintained

Hull – Would destroy neighborhood, not a proper place for a business

Bliss – Concerns about commercial use and what type, could lower property values, area has always been rural residential, concerned about wood chip piles, traffic concerns, driveway location, signage, concerns if house is never built

Briceland – Area has always been rural residential and would like it to stay that way

Belton – Area designed and developed as residential, 22 kids live and play along Lakelane,

Strelow enters at 7:55

Fabela – Traffic issues, worried for kids

MOTION: *Burks* moved to deny Z-02-018 based on citizen comments and the

following findings:

1. The zoning, uses and character of the neighborhood: This property is located within an area that is currently mixed-use in character with commercial, residential and agricultural uses. There are numerous other similar constructed accessory buildings in the surrounding area which are secondary to the primary residential use.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently allowed to be developed only with a single-family residential use. If it were developed in that manner the request to build an accessory structure for the purpose of a home-occupation tree service would be permitted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The conditions of the Conditional Use will serve to meet the spirit and intent of the Zoning Code in relation to allowed home occupation use and will serve to protect neighboring property owners from any negative effects.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The City of Maize Comprehensive Plan recommends this property for rural residential use. The nature of the proposed use is an allowed home occupation given that the business is not conducted on-site. The Conditional Use provisions will also ensure that the appearance of the property develops as primarily a residential use. This is appropriate given the property's proximity to existing similar uses.
5. Impact of the proposed development on community facilities: The requested change would not be any more intensive than surrounding land uses. Existing public streets are capable of handling this type of use.

Downes seconded the motion.

Aubuchon requested a roll call vote to deny Z-01-018 with the following results:

Burks – yes

Sciolaro - yes

Aubuchon - yes

Downes - yes

Herington – yes

Strelow - yes

Motion denied.

Edgington stated that the City Council would make a final ruling on March 19, 2018.

COMPREHENSIVE PLAN UPDATE

Graham Smith from Gould Evans was present to address issues and discuss community frameworks in order to determine vision and goals for the community. Growth and Development, Community Amenities, Mobility and Identity were discussed.

ADJOURNMENT:

MOTION: With no further business before the Planning Commission,
Burks moved to adjourn.
Downes seconded the motion
Motion carried unanimously.

Meeting adjourned at 9:22 PM.

Sue Villarreal
Recording Secretary

Bryan Aubuchon
Chairman

