

**MINUTES-REGULAR MEETING
MAIZE CITY PLANNING COMMISSION AND
BOARD OF ZONING APPEALS
THURSDAY, APRIL 5, 2018**

The Maize City Planning Commission was called to order at 7:00 p.m., on Thursday, April 5, 2018, for a Regular Meeting with **Mike Burks**, presiding. The following Planning Commission members were present: **Mike Burks**, **Dennis Downes**, **Andy Sciolaro**, and **Mike Strelow**. Not present was **Bryant Wilks** and **Bryan Aubuchon**. Also present were **Sue Villarreal**, Recording Secretary; **Kim Edgington**, Planning Administrator; **Richard LaMunyon**, City Administrator; **Bill McKinley**, City Engineer; **Ward Rabb**, Rabb's Construction; **Greg Dotson**, Applicant; **Jackie Storer**, Citizen.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

MOTION: **Sciolaro** moved to approve the minutes of March 1, 2018 as presented.
Strelow seconded the motion.
Motion carried unanimously.

NEW BUSINESS

Z-03-018 – Zone change for approximately 9.7 acres from SF-5 Single Family to LC Limited Commercial with a Community Unit Plan at 4551 N Maize Road

Edgington explained that this area is suitable for commercial development as designated in the Maize Comprehensive Plan. All LC or more intensive zone change requests for greater than 6 acres must be accompanied with a Community Unit Plan. The contract purchaser has prepared a CUP for review along with a request for the following variances:

- 1) Building Façade – Would like to request a variance for the current elevation of the building to remain.
- 2) Outdoor Storage – Would like to request a variance for the current configuration of the outdoor storage with shown gates and chain link fence surround.
- 3) Landscape Parking – Landscape buffers have been added to make up for the required landscape parking. We'd like to request a variance to the parking islands due to the difficulty truck and trailers have parking next to one without running over it.

Edgington also added that a waiver would be needed for outdoor storage display east of parking area along front of property.

Storer asked about drainage behind the building just South of her property. **Edgington** stated the size and location would be determined during the platting process.

Rabb indicated that Atwoods has different building models. This model uses the least amount of metal, regarding the building façade. He stated that a large display area is important to sell product in regards to outdoor storage.

Dotson asked why Woodard Mercantile and Ace Hardware were not held to the zoning code and design standards. *Edgington* stated they were built prior to adoption of the zoning code and design standards and were grandfathered in.

MOTION: *Sciolaro* moved to deny the variance request regarding building façade.
Burks seconded the motion.
Motion carried unanimously.

Rabb indicated that Atwood's would not build in Maize if they were not granted the requested variances.

MOTION: *Sciolaro* moved to approve Z-03-018 zone change request with CUP -01-018 as submitted, without the variance conditions requested by Atwoods and subject to the following conditions added to the language of the CUP and based on the listed findings:

1. Setback language shall be as follows: 50 feet along Maize Road, 35 feet on the north and south property lines 35 feet on the west property line (this is included in the event that the use on the property changes in the future and will appropriately accommodate future development.)
2. Monument and building signage as permitted in the LC zoning district along Maize Road by the City of Maize Sign Code with the following provisions:
No portable, billboard or off-site signs shall be permitted
Flashing signs (rotating or moving signs, signs with moving lights or signs which create the illusion of movement are not permitted, except for signs that show the date, time, temperature and/or other public service message.
3. A 20 foot landscaped street yard shall be provided along Maize Road. Parking lot landscaping shall be provided at a rate of one tree per 20 parking spaces.
4. All building facades visible from public street right-of-way shall not have metal as the building material.
5. Outdoor storage – all outdoor storage shall be entirely within a fenced area. This fenced area may not be part of the required parking ratio for the site. Any outdoor storage on the east side of the building shall be within 10 feet of the building.

Additionally, the following provisions regarding outdoor storage in LC zoning of the City of Maize Zoning Code shall apply: The area used for outdoor storage shall be enclosed by a fence or wall not less than six feet in height nor less than the height of the merchandise to be screened except for outdoor storage within a portable storage container when subject to the special provisions contained herein. The fence or wall shall be comprised of material capable of screening the merchandise from view. One opening, not exceeding ten feet in width, may be left open during business hours, but must be gated and capable of screening merchandise from view when closed. When the material of the enclosure is not of the same general material as the main building, screening as required by Sec. IV-B.3 and landscaping as approved by the Planning Administrator shall be provided and maintained outside the enclosure. For outdoor storage areas within a CUP the fence or wall screening provisions may be modified provided that a design plan is submitted with the CUP application and such plan is deemed by the Planning Commission to provide an acceptable environment for the surrounding area based on the physical characteristics of the property, distances from adjacent properties and public streets, and the type of merchandise to be stored.

And

Size of storage area. The enclosure around the storage area shall be attached to the principal building, and the area within such enclosure shall not exceed ten percent of the floor area occupied by the principal use within the building. Such enclosure shall comply with the same setback as is required for the main building. The area within the enclosure shall be calculated as floor area in determining the number of required off-street parking spaces. Outdoor storage of between ten percent and 20 percent may be allowed upon application and approval of a Conditional Use processed in accordance with Sec. V-D of these regulations.

6. A minimum 6 feet high brick, masonry, stone, architectural tile or similar material (not including wood or woven wire) screening wall shall be required along the entire north and west property line, in accordance with the City of Maize Zoning Code. Solid screening shall be required along the south property line with the above described material or a combination of landscaping, berms, wrought iron fence, or brick, masonry, stone, architectural tile or similar material (not including wood or woven wire) with the final design to be approved by the Planning Administrator and City Administrator.
7. Proposed building site needs to indicate one building parcel and proposed uses. Proposed uses should include: All those uses allowed in LC Limited Commercial except: all those uses listed as a Conditional Use; Pawnshops; Taverns; Night Clubs; Drinking Establishments; Adult Entertainment; Sexually Oriented Businesses; Tattooing and Body Piercing; Limited and General Correctional Placement Residences; Manufactured Home; Limited and General Group Residence; Limited and General Group Home; Commercial Recycling Collection Station; Asphalt or Concrete, Limited; Manufacturing, Limited.
8. The transfer of title of all or any portion of the land included with the CUP does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
9. For purpose of any possible future development/redevelopment of the property the building coverage should be set at a maximum of 30% or 123,754 square feet, with a gross floor area not to exceed 247,508 square feet.
10. Maximum building height shall be 40 feet.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: This property is located within an area that is currently or will be developed with a wide variety of uses, including commercial and residential.
2. The suitability of the subject property for the uses to which it has been restricted: The property is used for agricultural and residential purposes as currently zoned, but is appropriate due to its relatively large size and the design considerations for a well-designed commercial development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Assurances will need to be made that this development will not negatively affect the Maize Road corridor. Staff has addressed these issues in the recommended additions to the CUP language.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The City of Maize Comprehensive Plan designates this area as appropriate for urban commercial development.
5. Impact of the proposed development on community facilities: Municipal water and service is available to serve this site. Concurrent platting will require the dedication of street right-of-way and necessary easements. The developer will be required to submit petitions for the construction of all public improvements, including but not limited to street construction, water, sanitary sewer, storm sewer and drainage facilities.

Burks seconded the motion.

Burks requested a roll call vote to approve Z-03-018 zone change request and CUP -01-018 with the following results:

Burks – yes

Sciolaro - yes

Downes - yes

Strelow - yes

Motion carried unanimously.

Edgington stated that there would be a 14 day protest period and City Council would make a final ruling on May 21, 2018. A supermajority would be required by the Council to overturn the Planning Commission decision.

MEETING DATE CHANGES:

Requests for meeting date changes were submitted due to staff and holiday conflicts.

MOTION: **Burks** moved to reschedule the May 3, 2018 meeting to May 10, 2018.

Sciolaro seconded the motion

Motion carried unanimously.

MOTION: **Downes** moved to reschedule the July 5, 2018 meeting to July 12, 2018.

Sciolaro seconded the motion

Motion carried unanimously.

ADJOURNMENT:

MOTION: With no further business before the Planning Commission, **Strelow** moved to adjourn.

Downes seconded the motion

Motion carried unanimously.

Meeting adjourned at 7:58 PM.

Sue Villarreal
Recording Secretary

Mike Burks
Vice-Chairman

