



BOARD OF ADJUSTMENT

April 22, 2021

City Annex Building, Conference Room
680 Park Avenue

Member Present: Wendy Nobles, Nathan Kennedy, Ron Johnson, Kristi Brower

Staff Present: Naysha Foster, Current Planner, Kerry Beutler, Assistant Director, Mike Kirkham, Assistant City Attorney

Call to Order: Ron, called the meeting to order at 12:15 p.m.

Minutes: Kristi made a motion to approve the February 25, 2021 minutes as presented. Wendy seconded the motion. The motion carried unanimously.

Nathan made a motion to approve the March 11, 2021 minutes as presented. Kristi seconded the motion. The motion carried unanimously.

Ron welcomed everyone to the meeting and stated that there needs to be an amendment to the agenda. He stated that the agenda needed to be amended to make the request for reconsideration a business item instead of a public hearing. Kristi made a motion to amend the agenda to make to reconsideration a business item. Wendy seconded the motion. The motion passed unanimously.

Public Hearing**Conditional Use Permit**

CUP21-003: Naysha Foster presented the staff report for the Conditional Use Permit (CUP) for a school located at 1980 Broadway. This location is generally located north of Broadway, east of Trolley Way, south of Evans Ave, and west of Hansen Ave. The lot is currently zoned as R3A. To the north and south are city designations of R3A, to the east is a city designation of LC, and to the west is city designation of HC. The property is currently used as commercial, with commercial to the south and east and residential use to the north and west. The future land use map identifies this property as commercial. The history of the property shows that it was annexed in September of 1978 and zoned R3-A. In April of 2018 the property changed to R3A due to the City-wide zone and ordinance changes. Over the years there have been several uses at this location including a residence, insurance office, Church, and most recently a daycare center. The proposed use is for a micro-elementary school with 15-30 students ages range from 6-11 years of age. A school is allowed in the R3A zone with a Conditional Use Permit. Parking requirements are one parking stall per classroom, plus five additional parking stalls. The applicant will have to meet landscaping requirements along Broadway. Aside from the underlying zoning standards there are no additional standards of approval for a school under the CUP criteria. Staff recommends approval and does not see a need for conditions.

The applicant, Candace Sekyere, residing at 390 Locasta Dr, Idaho Falls, ID presented for Acton Academy. Candace stated she was seeking a CUP for a micro school which is a multi-age learning environment for ages six (6) to twelve (12) years old whom learn together. There will be anywhere from ten to thirty-six children. The facility will have two staff members and they hope to be at this location for one to three years before needing a larger facility. Candace said they can fit ten parking stalls with a drop off loop. They were able to get permission from the neighboring property to utilize parking in the right-of-way. Ron asked if the parking stalls were angled or straight. Candace told the Board they will be straight once completed.

There was no other Public Testimony. Ron closed the public hearing.

Board Discussion: There was no further discussion by the Board. Kristi made a motion to approve the CUP as presented. Nathan seconded the motion. The motion passed unanimously.

Reasoned Statement: Ron read the reasoned statement. Wendy made a motion to approve the reasoned statement as read. Kristi seconded the motion. Motion carried unanimously.

CUP21-004: Naysha Foster presented the staff report for the Conditional Use Permit (CUP) for a car wash located north of Whittier Street, east of N Higbee Avenue, south of E Elva, and west of N Holmes Avenue. The property is currently zoned CC. To the north, south, and east is a city designation of CC, and to the west is city designation of I&M. The property is currently used as commercial, with commercial to the south, east, and north. The west has property designated as industrial. The future land use map identifies this property as commercial. This property was annexed in August of 1907, it was zoned HC-1. The property was platted prior to being annexed. It was later zoned GC-1. In April of 2018, the property was zone CC as part of the City initiated City Wide zone change. Vehicle wash facilities are permitted in the CC, Central Commercial zone with a CUP. The proposed vehicle wash facility or car wash is compatible with the surrounding land uses and staff is unaware of any adverse impacts to adjacent properties. The car wash will be for Enterprise Car wash vehicles and not the general public. The Zoning Ordinance requires that landscaping requirements be met as well as blank wall standards. There are no supplemental standards specific to a car wash. The definition for a Vehicle Wash Facility: A facility used to clean the exterior and/ or interior of a motor vehicle. Staff recommends approval and does not see a need for conditions.

The applicant, Matt Mraz, residing at 10847 S Blossom Tree Lane, Sandy, Utah presented for Enterprise Rental Car. Matt stated that Enterprise is making sure every vehicle that is rented out is cleaned and sanitized inside and out. He said in order to do this, they need to have the appropriate facilities. They are also growing and have started renting out box trucks. To clean the box trucks, the facility needs to be larger. Kristi asked Matt if they were adding on or removing the garage currently on the property? Matt informed the Board that they would be demoing the existing garage and building from scratch.

There was no other Public Testimony. Ron closed the public hearing.

Board Discussion: There was no further discussion by the Board. Kristi made a motion to approve the CUP as presented. Wendy seconded the motion. The motion passed unanimously.

Reasoned Statement: Ron read the reasoned statement. Kristi made a motion to approve the reasoned statement as read. Wendy seconded the motion. Motion carried unanimously.

Business

APP21-002: David Richards, the Water Superintendent, thanked the Board for their work and informed them that the City is not objecting the four conditions put on them by the Board. David believes it is unreasonable to require six (6) to eight (8) inch caliper trees and is asking the Board to reconsider the size requirement to two (2) to four (4) inch caliper instead. He is also asking the Board to impose a time frame of one year to ensure if the trees die the Water Department is not out of compliance. Kristi asked to clarify if he is asking that if a tree dies it wouldn't need to be replaced? David said that is correct. If the tree dies after the allotted time frame the Water Department would not be responsible for its replacement and that the water tower is not out of compliance. Ron asked David to describe the process of transplanting trees. David responded that he would like to however, he is not allowed to add new testimony at this time. Mike Kirkham explained that the motion for reconsideration does not reopen the public hearing. So part of what the reconsideration is asserting is that to place that requirement of transplanting that caliper of trees on the City without having any testimony as to the reasonableness of the condition is arbitrary. Nathan asked if the Water Department would except four-inch caliper trees? David said they would consider this if that size is available. Wendy suggested that one year is not long enough. David responded that they are requesting a period of time such that if, for any reason, those trees die that they have understanding that they are done with the process. The Board discussed an appropriate time frame. Kristi suggested four-inch caliper trees and a five-year time frame. Ron said he could live with that. Wendy made a motion to amend the

modifications to replace the six (6) to eight (8) inch caliper trees with no smaller than four (4) inch caliper trees and a five-year tree replacement time frame. Kristi seconded the motion. The motion passed unanimously.

Election of Officers:

Kristi volunteered to be the chair. Wendy made a motion to elect Kriti as chair. Nathan seconded the motion. The motion passed unanimously. Kristi nominated Nathan for vice chair. Nathan declined nomination. Ron volunteered to be vice chair again. Kristi made a motion to elect Ron as vice chair. Wendy seconded the motion. The motion passed unanimously.

Adjourn: Ron adjourned the meeting at 12:58 p.m.

Respectfully Submitted,

Ann Peterson, Recording Secretary