

**MINUTES-REGULAR MEETING
MAIZE CITY PLANNING COMMISSION AND
BOARD OF ZONING APPEALS
THURSDAY, NOVEMBER 2, 2017**

The Maize City Planning Commission was called to order at 7:00 p.m., on Thursday, November 2, 2017, for a Regular Meeting with *Mike Burks*, presiding. The following Planning Commission members were present: *Mike Burks, Bryant Wilks, Andy Sciolaro, Dennis Downes* and *Mike Strelow*. Not present were *Bryan Aubuchon and Jennifer Herington*. Also present were *Sue Villarreal*, Recording Secretary; *Kim Edgington*, Planning Administrator; *Richard LaMunyon*, City Administrator; *Bill McKinley*, City Engineer; *Jesse Schellenberg*, Schellenberg Development Co.; *Samuel Steuver*, Variance Applicant; *Manuel Marroquin*, Zoning Applicant; *Gary Logsdon*, Vacation Applicant.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

MOTION: *Sciolaro* moved to approve the August 3, 2017 minutes as presented.
Strelow seconded the motion.
Motion carried unanimously.

*Recess Planning Commission Meeting and Convene Maize Board of Zoning Appeals Meeting:

MAIZE BOARD OF ZONING APPEALS MEETING:

The Maize Board of Zoning Appeals meeting was called to order at 7:03 p.m. Members present were: *Mike Burks, Bryant Wilks, Andy Sciolaro, Dennis Downes* and *Mike Strelow*. Not present were *Bryan Aubuchon and Jennifer Herington*.

BZA-V-02-017 – Variance to allow an off-site sign for Holiday Inn on vacant property at Hampton Lakes Addition.

Edgington explained to Commissioners that the developer, Schellenberg Development is requesting an off-site sign solely to serve the Holiday Inn because the amount of signage on the entry monument is not sufficient to meet their business needs. The BZA would need to grant a variance to allow an off-site sign for this use. An additional variance would need to be granted to reduce the minimum required separation between signs and to increase the allowed size and height of the off-site sign.

Schellenberg was present to answer questions from the commissioners.

MOTION: *Sciolaro* moved to approve BZA-V-02-017 subject to the following criteria and authorize the Chairperson to sign a Resolution granting the variance as requested :

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the zoning district, and is not created by an action or actions of the property owner or applicant: **While the**

hotel developer did chose to locate on a lot without frontage on Maize Road, the operator of this business was not aware of how much that would affect potential customer's ability to access their property.

2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents: **The granting of the variance would have no negative effect on adjacent property owners.**
3. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application: **Without increased visibility and advertisement along Maize Road this business operator will be unable to operate at their maximum potential and will likely lose customers to other nearby similar businesses.**
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare: **The granting of the variance would have no negative affect on public health, safety, morals, order, convenience, prosperity or general welfare.**
5. That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Code. **The granting of the variance will not be opposed to the general spirit and intent of the Zoning Code, given the applicant's willingness to voluntarily reduce the sign height of the additional sign and the fact that signs that have already been constructed are well below the maximum limits allowed by the Sign Code.**

Strelow seconded the motion

Burks requested a roll call vote to approve BZA-V-02-017 with the following results:

Burks - no

Wilks - yes

Sciolaro – yes

Downes - yes

Strelow – yes

Motion carried . 4-yes, 1-no, *Burks*

BZA-03-017 – Variance to reduce the rear yard setback from 20 feet to 6 feet at 419 W Irma.

Edgington explained that this lot is adjacent to school property to the west. The lot to the south was combined with a lot to the east so a house could not be built immediately adjacent to the rear property line.

Stuever was present to answer questions from the commissioners.

MOTION: *Wilks* moved to approve BZA-V-03-017 subject to the following criteria and authorize the Chairperson to sign a Resolution granting the variance as requested :

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the zoning district, and is not created by an action or actions of the property owner or applicant: **While the hotel developer did chose to locate on a lot without frontage on Maize Road, the operator of this business was not aware of how much that would affect potential customer's ability to access their property.**
2. That granting of the variance will not adversely affect the rights of adjacent tproperty owners or residents: **The granting of the variance would have no negative effect on adjacent property owners.**
3. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application: **Without increased visibility and advertisement along Maize Road this business operator will be unable to operate at their maximum potential and will likely lose customers to other nearby similar businesses.**
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare: **The granting of the variance would have no negative affect on public health, safety, morals, order, convenience, prosperity or general welfare.**
5. That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Code. **The granting of the variance will not be opposed to the general spirit and intent of the Zoning Code, given the applicant's willingness to voluntarily reduce the sign height of the additional sign and the fact that signs that have already been constructed are well below the maximum limits allowed by the Sign Code.**

Downes seconded the motion

Burks requested a roll call vote to approve BZA-V-03-017 with the following results:

Burks - yes

Wilks - yes

Sciolaro – yes

Downes - yes

Strelow – yes

Motion carried unanimously.

ADJOURNMENT:

MOTION: With no further business before the Board of Zoning Appeals,

Sciolaro moved to adjourn.

Downes seconded the motion

Motion carried unanimously.

Burks reconvened the Planning Commission meeting at 7:42 p.m.

V-01-017 - Vacation of platted alley and reduction of side yard setback at 120 E Jones.

Edgington explained to Commissioners that it was thought the alley was previously vacated although staff has been unable to locate a record of the vacation. Staff is recommending that the entire alley be vacated and the east half of the alley adjacent to the applicant's property revert back to this owner and the west half revert to the First Congregational Church.

Logsdon was present to answer questions from commissioners.

MOTION: *Downes* moved to approve the vacation request V-01-017 with the following staff recommendation:

The entire alley should be vacated and the east half of the alley adjacent to the applicant's property revert back to this owner and the west half revert to the First Congregational Church.

Wilks seconded the motion

Motion carried unanimously.

Z-02-017 – Zone change request from SF-5 Single-Family Residential to LC Limited Commercial with a Protective Overlay

Edgington explained to the commissioners that the applicant is requesting this zone change to accommodate the business use of this property as a contract delivery service for the US Post Office. A change of zoning will allow the property owner to construct a warehouse on the property to store all vehicles and equipment indoors and to have an enclosed location to service the vehicles and equipment. A Protective Overlay is recommended by staff.

Marroquin was present to answer questions from the commissioners.

MOTION: *Downes* moved to approve the zone change request Z-02-017 from SF-5 Single-Family Residential to LC Limited Commercial subject to staff recommendations and subject to the provisions of the Protective Overlay as outlined below:

Exclude all allowed uses in LC except for:

1. Limited Vehicle Repair (in an enclosed building)
2. Construction Equipment Service (in an enclosed building)
3. Commercial Parking Area and Outdoor Storage, only vehicles owned by Mr. Marroquin to include 5 trucks and 2 trailers.

Additionally, the Protective Overlay would limit uses on the east 100 feet of the property to only residential structures and no maintenance be performed between 10:00 p.m. and 6:00 a.m.

Sciolaro seconded the motion.

Burks requested a roll call vote to approve Z-02-017 with the following results:

Burks - yes

Wilks - yes

Sciolaro – yes

Downes - yes

Strelow – yes

Motion carried unanimously.

ADJOURNMENT:

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

Meeting adjourned at 8:12 PM.

Sue Villarreal
Recording Secretary

Mike Burks
Vice-Chairman