

# 2023\_06\_08 Planning and Zoning

**Chair Lawson:** This planning and zoning commission meeting is called to order Thursday, June 8th, 2023 at 5:30 PM in the same assembly chambers

Roll call, please.

**Clerk:** Kern?

**Kern:** Here.

**Clerk:** Hisman?

**Hisman:** Here.

**Clerk:** Lawson?

**Chair Lawson:** Here.

**Clerk:** Three members are present, quorum is established.

**Chair Lawson:** Moving on to..

**Clerk:** Assemblymember Hansen is also present.

**Chair Lawson:** Oh, yes. And then wait,

**Clerk:** commissioner **Mabee** is just arriving.

**Chair Lawson:** Thank you. Should we do roll call or No?

All right, moving on to number three minutes, a May 11th, 2023. I have no issue with the minutes.

**Hisman:** Um, commissioners, I had one. It doesn't really matter. It was a second and a, it was a motion and a second, but the two names were right. They were flip flopped in in my notes. I could have flip flopped them too, so I have no issues.

Okay.

**Chair Lawson:** Kern, Mabee?

**Kern:** I'd like to make a motion to approve the minutes as read.

**Hisman:** Second.

**Chair Lawson:** the May 11th, 2023 minutes has been moved by Commissioner Kern and seconded by Commissioner Hitman. May go to vote please?

**Clerk:** Lawson?

**Chair Lawson:** Yes.

**Clerk:** Kern?

**Kern:** Yes.

**Clerk:** Mabee?

**Mabee:** Yes.

**Clerk:** Hisman?

**Hisman:** Yes.

**Clerk:** Four yeses, motion passes.

**Chair Lawson:** Okay, moving on to number four, approval of agenda. I have no issues with the agenda.

**Hisman:** I would make motion. We approve. The agenda as submitted.

**Kern:** Second

**Chair Lawson:** The agenda has been moved by Commissioner Hisman and seconded by Commissioner Kern.

Maybe go to vote, please.

**Clerk:** Hisman?

**Hisman:** Yes

**Clerk:** Mabee?

**Mabee:** Yes.

**Clerk:** Lawson?

**Chair Lawson:** Yes.

**Clerk:** Kern?

**Kern:** Yes.

**Clerk:** Four yeses, motion passes.

**Chair Lawson:** Moving on to number five, communications, A. correspondence. Um, clerk, do we have any correspondence for this evening's meeting?

**Clerk:** Uh, no, I do not.

**Chair Lawson:** Okay. Um, item B, permitting officials report. Mrs. Fairbanks, do you have anything?

**Permitting Official:** Nothing to report at this time, your Honor.

**Chair Lawson:** All right. And next is C Citizen. Present is anyone that would like to come on a non agenda item?

Okay. All right. Moving on to number six, unfinished business. There is none. And moving on to number seven, new business, um, commissioners. Do not have any. Do you have any? Nope.

Okay, moving on to number eight resolutions, A. adoption of planning and zoning resolution number 23-07 Denying conditional use permit. Application number 2342. Paul Nils Davis and Earl H. Stovall, Jr. Lot 5 Block 29 in the residential general zone, request to operate commercial rental car business in the residential general zone, parking and washing rental vehicles.

**Hisman:** Yeah, I would move that we, uh, move, that we, uh, adopt, uh, p and z resolution 2307 denying a conditional use permit application 23-42 to Paul Nils Davis and Early Stovall Jr. For lot 5 block 29 in the residential zone. Uh, this would deny the request to operate a commercial rental car business in a residential general, uh, zone.

**Kern:** I'll second.

**Chair Lawson:** the adoption of the planning and zoning resolution number 23-07 has been moved by Commissioner Hisman and seconded by Commissioner Kern. Clerk, may you go to vote please?

**Clerk:** Kern?

**Kern:** No.

**Clerk:** Mabee?

**Mabee:** sorry. Clarification. The vote on this is to deny?

**Hisman:** It is.

**Mabee:** So if I say yes, then I'm Oh, so yes.

**Clerk:** Um, Hisman?

**Hisman:** Yes.

**Clerk:** Lawson?

**Chair Lawson:** Yes.

**Clerk:** Three yeses, motion passes.

**Chair Lawson:** Okay. Going on to. Number nine, public hearing B. Public hearing in consideration of conditional use permit application number 23-47 Marjorie Ackerman lot 1 block 12 in the residential general zone, request to build a garage with a residential apartment above.

We will now open the public hearing. Um, at this time, we will invite the applicant to introduce their application. And then following the introduction we'll allow the testimony from the general public.

And Marjorie, do you wanna come forward?

Um, you can come forward and state your name and then just introduce your application.

**Marjorie Ackerman:** Hi. Marjorie Ackerman. And we just sent in the application to build a garage with an apartment above it in our yard.

**Chair Lawson:** Okay. Thank you. And let's see. Do you wanna come and speak on behalf of this conditional use permit? Yes. Okay. And then Margie, I'm gonna ask you to take a seat. Yep.

**Lynn Davison:** Yes. I, I'm supportive of Margie building her, her garage.

**Chair Lawson:** Sorry. Can you please, uh, state your first and last name?

**Lynn Davison:** Yes, thank you. Lynn Davison. Okay. I'm supportive of Margie building her, her garage and, uh, apartment above. Um, I live across the street and, uh, when I saw this, I, I did my due diligence and walked around the alley to see, you know, how much space and, and sight lines or whatever, and I, I see no issue with it.

And I also recognize that there is a, Uh, of course we all do an issue regarding housing in, in the area, and, uh, I think this would, it's not a large addition, but any little bit helps and I think it would be, um, more appropriate than some of the other things that have been built elsewhere and, uh, will cause less, uh, it will be less of an eyesore, let me just say that.

So I, I'm supportive of it.

**Chair Lawson:** Thank you Ms. Davison.

And then did the clerk's office receive any request from the public to testify about this application?

**Clerk:** Uh, the clerk's, clerk's office did not receive any, um, uh, notices to testify.

**Chair Lawson:** Okay. Thank you. Mrs. Fairbanks um, do you have anything to say about this application?

**Permitting Official:** So, um, Margie and Mackenzie approached me, um, regarding that and, uh, the garage and the apartment above. And they invited me to their yard and took some measurements and they explained to me how they wanna position it, and I informed them about the setbacks. Um, requirements in, uh, residential general informed them that they have to provide, uh, additional parking spot because now on their property they're gonna have two units, and so they have, uh, enough space to provide another parking spot.

So, um, so far I think it, I have seen similar, uh, developments, uh, in the recent, uh, past, uh, I don't see any issues with it.

**Chair Lawson:** Okay. Thank you.

Okay. At this time, uh, Marjorie, do you wanna come back up to the front and we'll see if the commissioners have anything to ask regarding your application?

Commissioners, is there anything that you would like to ask?

**Hisman:** Yeah, um, is the larger building still being used for, uh, daycare at this point? It what? To Temsco? Yeah.

**Clerk:** Could you repeat yourself on the microphone with it on?

**Marjorie Ackerman:** Oh, it got sold to Temsco earlier this year or, okay, late last year. Last fall, I think.

October, November. Somewhere in there.

**Hisman:** I, I admit to being a little behind. I just got back to town last night, so I haven't been able to study this. But is that on the same property?

**Marjorie Ackerman:** No, it's separate. It had all been on my dad's property, but when he sold it to McKenzie, the back half had to be a full lot. So that's how come we lost our garage in that part of the area, which is why we want to build another garage.

**Hisman:** Um, was this property. Uh, Stacy, was this property ever replanted so that the lot lines were changed to run east and west instead of north-south?

**Permitting Official:** So I don't have any information about tourism replating.

**Hisman:** I mean, I guess I'm confused. Uh, how the other building could have been sold without, without a replat. Cuz it's on both lots.

Well from the looks of this, the, the line between the two lots would pass right through that building.

**Permitting Official:** What you see, what's, uh, what's drawn is actually the house. Um, yeah, I don't know if you're, are you looking at the, are you looking at the what? The drawing is? The plan, the plot plan?

Mm-hmm. So this is the actual, uh, Margie's house. So, It's Margie's House and then next to it's gonna be the Future Garage. And behind it, the extra parking spot.

**Chair Lawson:** Oh, nope, sorry, he's looking at the, um, okay.

**Hisman:** Okay. I see it. So you, you did sell the one full lot to Temsco. Okay, I got it. I was mistaking the house for the, um, uh, for the ex daycare building.

As I said. Pardon me, I just got back to town. So. Okay. I'm satisfied then.

**Chair Lawson:** That's okay. Okay.

Do you have any questions? Oh, sorry.

**Assemblymember Hanson:** Hi. I just for, uh, clarification, it, it, I see that this is on a scale of one square is two feet. Is that what I see at the top? So the garage proposal is about 24 by 28?

**Marjorie Ackerman:** Yes, approximately.

**Assemblymember Hanson:** And I'm just kind of counting it out. Okay. Just for clarification. Thank you.

**Permitting Official:** And I calculated 672 square feet.

**Chair Lawson:** Okay.

**Marjorie Ackerman:** And it's smaller than the house. It doesn't go in front of it

**Assemblymember Hanson:** and, and just Madam Chair, just for clarification, it can be up to a thousand square feet for accessory housing. So totally compliant with that rule.

**Chair Lawson:** Thank you. Commissioner, Mabee? Commissioner Kern, would you have anything further? No. All right. Thank you, Mrs. Ackerman. Uh, you may return to your seat while the commission considers your application.

The public hearing is now closed.

Okay, so I would, um, I would entertain a motion.

**Kern:** Um, I will make a motion to approve conditional use permit 23 dash 47, um, by proposed resolution

**Mabee:** Second.

**Chair Lawson:** Okay. I have to say, I'm like, oh.

So wait, we go to both then? Yes. Okay.

The motion to approve of conditional use permit number 2347 has been. Motion by commissioner current and seconded by commissioner. May we go to vote please?

**Clerk:** Um, you have not considered the standards.

**Chair Lawson:** Oh, okay. We do that. Okay. So then the next step is the commission must now find all four of the conditions exist in order to grant a condition, lease permit. So we consider them one by one. Correct. Okay. I wasn't sure if we voted then to do this. Okay. A, the requested conditional use will protect the public health, safety and welfare.

**Kern:** I make a motion, we amend the main motion to include the finding of the facts that the requested conditional use will protect the public's health, safety, and welfare.

**Hisman:** Second.



**Chair Lawson:** we vote each time? Okay. Sorry. Alright. The motion has been approved by Commissioner Kern and seconded by Commissioner Heman.

Maybe go to vote please?

**Clerk:** Mabee?

**Mabee:** Yes.

**Clerk:** Lawson?

**Chair Lawson:** Yes.

**Clerk:** Kern?

Hisman?

**Hisman:** yes.

**Clerk:** Four yeses, motion passes.

**Chair Lawson:** Next, going to be the requested conditional use. Will not permanently or substantially injure the lawful use of neighboring property or uses. I have no issues with this.

**Kern:** I make a motion we amend the main motion to include the finding of the facts that requested conditional use will not permanently or substantially injure the lawful use of neighboring pro neighboring properties or uses.

**Mabee:** Second.

**Chair Lawson:** Motion has been approved by Commissioner Kern and seconded by Commissioner Mabee. Maybe go to vote, please?

**Clerk:** Lawson?

**Chair Lawson:** Yes.

**Clerk:** Mabee?

**Mabee:** Yes.

**Clerk:** Hisman?

**Hisman:** Yes.

**Clerk:** Kern?

**Kern:** Yes.

**Clerk:** Four yeses, motion passes.

**Chair Lawson:** Okay. Moving on to see the requested conditional use will generally be in harmony with the comprehensive plan, coastal Management Plan, and other officially adopted plans.

**Hisman:** I move that we, uh, amend the main motion to find that the conditional use will be in harmony with the, uh, um, comprehensive plan, uh, coastal management plan, et cetera,

**Kern:** second.

**Chair Lawson:** The motion has been approved by Commissioner Hitman and seconded by Commissioner Kern. Clerk. Maybe go to vote, please?

**Clerk:** Kern?

**Kern:** Yes.

**Clerk:** Mabee?

**Mabee:** Yes.

**Clerk:** Hisman?

**Hisman:** Yes.

**Clerk:** Lawson?

**Chair Lawson:** Yes.

**Clerk:** Four yeses, motion passes.

**Chair Lawson:** Moving on to D, the requested conditional use will not substantially decrease the value or be out of harmony with property in the neighboring area. Have no issues with this.

**Hisman:** I move, we amend the main motion to find that the conditional use will, uh, not be out of harmony with, uh, neighboring properties, um, or impact them.

**Mabee:** Second.

**Chair Lawson:** motion was approved by Commissioner Hisman and seconded by commissioner Mabee. May we go to vote please?

**Clerk:** Lawson?

**Chair Lawson:** Yes.

**Clerk:** Kern?

**Kern:** Yes.

**Clerk:** Mabee?

**Mabee:** Yes.

**Clerk:** Hisman?

**Hisman:** Yes.

**Clerk:** Four yeses, motion passes.

**Chair Lawson:** Okay, now we're gonna go back to the main motion as amended.

So then do we just have to,

then we just go to vote on the main motion

**Clerk:** That's, um, you can ask for further discussion and then, uh, ask for roll call.

**Chair Lawson:** Okay. Commissioners, do you have any further discussion?

**Hisman:** I have nothing more.

**Mabee:** No further discussion.

**Kern:** Nope.

**Chair Lawson:** Okay. Can we get a roll call please?

**Clerk:** Hisman?

**Hisman:** Yes.

**Clerk:** Lawson?

**Chair Lawson:** Yes.

**Clerk:** Mabee?

**Mabee:** Yes.

**Clerk:** Kern?

**Kern:** Yes.

**Clerk:** Four yeses, motion passes.

Okay.

**Chair Lawson:** Okay. All right, so thank you ladies. All right, moving on to number 10, discussion items. Um, commissioners, I have nothing to add to the discussion tonight.

**Hisman:** I do have one thing, and I apologize for not being back sooner to, uh, try and get this addressed on the agenda. But, uh, since our last meeting, I did have, uh, several occasions to observe uh, I believe it's ninth Avenue, as the buses are leaving the wash pad and there is a lot of bus traffic right through that residential street and I, uh, there's a lot of small kids there.

I understand that we put, you know, the whole issue of the bus traffic flow off till the end of the season, but I think this is something that a simple request should be able to clear up now. Um, I see no need that they use ninth Avenue when they could clear the bus washing pad and use the same traffic flow they do from loading the trains and come out on 15th and cross over to State Street.

So I don't know if we can do that or, uh, um, I, I would like to see it done if there's a mechanism to do it without having to wait till the end of the season because there's, uh, I think a substantial risk to kids on that.

**Chair Lawson:** Um, I'm not sure of the due process of officially making the route that would have to probably go in code.

**Hisman:** Well, I didn't know the right route was ever put into code in the first place. Uh, I, I, I just thought perhaps we could just appeal to the company and, uh, maybe in conjunction with the, uh, uh, police chief if he would be on board with this and, and then, uh, at least that would be one less thing to worry about at the end of the season,

**Chair Lawson:** more of an agreement?

Um,

Clerk, Mr. Burnham?

**Clerk:** Um, well, you don't have it on your agenda to make a decision about it, but the chair could include that under discussion. You could, you could write a, uh, report to the assembly indicating your discussion, and perhaps they would read that report and forward it to a committee such as public safety.

**Chair Lawson:** So, Okay.

**Hisman:** Do we need a motion for that?

**Clerk:** Okay. No. So we, well, I mean, if the chair concurs with your discussion that she would include it in a report, then I, I don't know that you would need a motion.

**Chair Lawson:** Okay. Um, yes, I, I agree. We should.

**Hisman:** Okay. Thank you. And that's, that's about all I have.

**Chair Lawson:** Anything else? Okay. Moving on to number 11. Adjournment.

**Kern:** I make a motion we adjourn.

**Mabee:** Second.

**Chair Lawson:** Commissioner Kern has motion to adjourn and commissioner Mabee has second. Maybe go to vote please?

**Clerk:** Hisman?

**Hisman:** Yes.

**Clerk:** Mabee?

**Mabee:** Yep.

**Clerk:** Kern?

**Kern:** Yes.

**Clerk:** Lawson?

**Chair Lawson:** Yes.

**Clerk:** Four yeses, motion passes.