

***City of Riverside
Planning Commission Meeting***

September 20, 2021

Members Present: Julie Denning
Jonathon Hairston
Harold Vazquez

Members Absent: David Owens
Anthony Rodgers

Others Present: Nia Holt, Zoning Administrator
Gary Burkholder, Community Development Director
Katie Lewallen, Clerk of Council

CALL TO ORDER: The Planning Commission meeting was called to order at 6:31 p.m.

ROLL CALL: Mrs. Denning, present; Mr. Hairston, present; Mr. Owens, absent; Mr. Rodgers, absent; and Mr. Vazquez, present.

MOTION TO EXCUSE: Mr. Vazquez motioned to excuse Mr. Rodgers and Mr. Owens. Mr. Hairston seconded the motion. All were in favor; none opposed. **Motion carried.**

APPROVAL OF MEETING MINUTES: Mr. Hairston motioned to approve the minutes of the August 16, 2021 meeting. Mr. Vazquez seconded the motions. All were in favor; none opposed. **Motion carried.**

Mr. Hairston motioned to approve the minutes of the August 25, 2021 work session meeting. Mr. Vazquez seconded the motions. All were in favor; none opposed. **Motion carried.**

PUBLIC HEARINGS:

- A) **Case #21-0012 – Conditional Use – 402 Woodman Drive (Parcel ID #I39 00918 0002) – A Conditional use application for a motorcycle sales and service business. – Public Hearing**

Chairwoman Denning opened the public hearing for Case #21-0012. Ms. Holt and Mr. Burkholder took the oath to give sworn testimony.

Ms. Holt presented the case summary for a conditional use application to allow motorcycle sales and repairs in the B-2 General Business District. She presented the zoning map, an aerial map, the site plan, and site photos of the business and surrounding area. She reviewed the standards for approval:

1. The conditional use is permitted in the B-2 General Business District.
2. The conditional use meets both the specific and general objects of the UDO.
3. The conditional use has remodeled the existing structure to be harmonious in appearance. A majority of the changes have been to the interior.

4. The use is not hazardous, but they need to obtain all the required permits.
5. The existing infrastructure will serve the proposed use.
6. The proposed use will not create any additional requirements at public cost.
7. The subject site is located in a district that is consistent with that commercial corridor.
8. The vehicle approaches on the property are sufficient and will not be altered and the applicant has worked with the property owner to designate parking spots for that use.
9. Staff has not identified any natural, scenic or historic features on or near the site that will be impacted by the conditional use business.

Ms. Holt stated that staff recommends approval with conditions that they apply and obtain a certificate of occupancy for both the building and zoning, and that available spaces approved be available to that business during regular business hours.

Chairwoman Denning closed the public hearing.

Mr. Hairston motioned to approve the conditional use of Case #21-0012, 402 Woodman Drive (Parcel ID #I39 00918 0002) with conditions specified by staff. Mr. Vazquez seconded the motion. Roll call went as follows: Mr. Hairston, yes; Mr. Vazquez, yes; and Mrs. Denning, yes. **Motion carried.**

Ms. Holt stated they have already submitted the zoning certificate of occupancy so they will hear from her tomorrow.

B) Case #21-0019 – Waiver – 1 Hermiston Avenue (Parcel ID# I39 00719 0017) – A waiver to allow a chain link fence in the front yard.– Public Hearing

Chairwoman Denning opened the public hearing for Case #21-0019.

Ms. Holt stated this is for a waiver for a chain link fence in the front yard that needs to come before planning commission as it is a waiver that is greater than what staff can allow. The fence is proposed to go on a corner lot of Hermiston and Pocatello. It will curve so that it does not interfere with any sight triangles. The BZA approved the variance request for the height at the July 27, 2021 meeting. The planning commission will be deciding whether or not to waive the design standards of Section 1115.01.E.b – Chain link, solid board privacy fence or any wall shall be prohibited in the front yard. Ms. Holt presented the zoning map, an aerial photo, the site plan, and site photos of the property and surrounding area.

She reviewed the standards for approval:

1. The waiver will not have an adverse effect on adjacent property owners. The proposed fence is similar other proposed fences in the neighborhood.
2. The proposed fence would be of similar design and location to other fences in the neighborhood.
3. Due to the shape of the lot the strict application of the regulations would deprive the applicant of the reasonable use of the land and create an unnecessary hardship.

4. The applicant has not provided an alternative design; the applicant wants to design a fence not out of character, but also meets their needs.
5. The applicant has not proposed any other design measures. This is the minimum type of fence to afford relief to the applicant.

Ms. Holt stated that staff recommends approval of the design waiver as it is adequately justified and meets the standards for approval.

Mr. Hairston asked if any other portions of the property have a chain link fence. Ms. Holt replied no.

Chairwoman Denning closed the public hearing.

Mr. Hairston motioned to approve the conditional use of Case #21-0019, 1 Hermiston Avenue (Parcel ID #I39 00719 0017) to allow a waiver for a chain link fence in the front yard. Mr. Vazquez seconded the motion. Roll call went as follows: Mr. Hairston, yes; Mr. Vazquez, yes; and Mrs. Denning, yes. **Motion carried.**

Ms. Holt stated they have already submitted their application and she will get with them tomorrow.

**C) Case #21-0021 – Waiver – 445 Hypathia Avenue (Parcel ID# I39 00616 0049)
– A waiver to allow a privacy fence in the front yard. – Public Hearing**

Chairwoman Denning opened the public hearing for Case #21-0021.

Ms. Holt stated this is for a waiver for a privacy fence in the front yard. It is on the southwest corner of Hypathia Avenue and Georgia Drive. The applicant is proposing a 6’ privacy fence in the front yard off of Georgia and will screen the existing pool on the property. The proposed fence will be set back as to not interfere with any sight triangles. The BZA approved the variance request for fence height on August 24, 2021. The planning commission will be deciding whether or not to waive the design standards of Section 1115.01.E., particularly letter ‘b’ – Chain link, solid board privacy fence or any wall shall be prohibited in the front yard. Ms. Holt presented the zoning map, an aerial photo, the site plan, and site photos of the property and surrounding area.

She reviewed the standards for approval:

1. The waiver will not have an adverse effect on adjacent property owners. The proposed fence is similar other proposed fences in the neighborhood.
2. The waiver is the minimum necessary to afford relief to the applicant and screen the pool on the property from traffic on Georgia Drive and Hypathia Avenue.
3. The privacy fence will allow them to have screening from the two streets.
4. No other alternative design was proposed which will meet the needs of the property owner.
5. The applicant has not proposed any other design measures. The requested type of privacy fence is the minimum needed to afford relief to the applicant.

Ms. Holt stated that staff recommends approval of the design waiver as it is adequately justified

and meets the standards for approval.

Mr. Hairston asked if they were just reconstructing the fence that is there and it will come out a bit more. Ms. Holt stated they are taking down the fence completely and putting up a brand-new fence that will come out to the bay window. She pointed out where the property line ends as there is a large right-of-way. She has spoken with their contractor about that.

Ms. Tamara Allison took the oath to give sworn testimony. She stated they were trying to go out to the bushes a bit further towards the street and towards the bay window. That is what she put on the design; she has it both directions a couple of feet out. Ms. Holt stated they can't go past the property line and she has spoken with the contractor. The applicant indicated they made two choices just to make sure. She just wants to know what she is allowed to get.

Chairwoman Denning closed the public hearing.

Mr. Hairston made a motion to approve Case #21-0021, the request for a waiver for 445 Hypathia Avenue (Parcel ID I39 00616 0049) to allow a privacy fence in the front yard. Mr. Vazquez seconded the motion. Roll call went as follows: Mr. Hairston, yes; Mr. Vazquez, yes; and Mrs. Denning, yes. **Motion carried.**

D) Case #21-0022 – Waiver – 2714 Valley Pike (Parcel ID# I39 00203 0039) – A waiver to allow a privacy fence in the front yard. – Public Hearing

Chairwoman Denning opened the public hearing for Case #21-0022.

Ms. Holt stated this is for a waiver for a privacy fence in the front yard. The subject site is the southeast side of the intersection of Valley Pike and Hypathia Avenue. The applicant is proposing to construct an 8' wooden privacy fence in the front yard. The proposed fence will span 150' across the northern portion of the property screening the existing mobile home park. The height difference was approved by the BZA at the August 24, 2021 meeting. The planning commission will be deciding whether or not to waive the design standards of Section 1115.01.E, particularly letter 'b' – Chain link, solid board privacy fence or any wall shall be prohibited in the front yard. Ms. Holt presented the zoning map, an aerial photo, the site plan, and site photos of the property and surrounding area. She noted there is elevation change on the property.

She reviewed the standards for approval:

1. The waiver will not have an adverse effect on adjacent property owners.
2. The waiver is the minimum necessary to afford relief to the applicant; there are homes along that portion of property and the taller fence is needed due to change in elevation to screen those homes.
3. The applicant has shown the regulation will cause a practical difficulty due to the dramatic change in elevation there is need for the taller 8' privacy fence in the front yard.
4. No other alternative design will meet the needs of the property owner.
5. The applicant has not proposed any other design measures. The requested type of privacy fence is the minimum needed to afford relief to the applicant and residents.

Ms. Holt stated that staff recommends approval of the design waiver as it is adequately justified and meets the standards for approval.

Discussion was held on the elevation and the height of the fence. Mr. Burkholder stated the 8' fence is needed to accommodate where the sidewalk is higher. The 8' starts from the ground not from the sidewalk.

Chairwoman Denning closed the public hearing.

Mr. Hairston made a motion to approve Case #21-0022, the request for a waiver for 2714 Valley Pike (Parcel ID# I39 00203 0039) to allow a privacy fence in the front yard. Mr. Vazquez seconded the motion. Roll call went as follows: Mr. Hairston, yes; Mr. Vazquez, yes; and Mrs. Denning, yes. **Motion carried.**

E) Case #21-0023 – Lot Consolidation – 1531 Wake Avenue (Parcel ID #I39 00107 0023, I39 00107 0024, I39 00107 0025, I39 00107 0040, and I39 00107 0051) – A final plat to consolidate five (5) parcels into one (1) lot. – Public Hearing

Chairwoman Denning opened the public hearing for Case #21-0023.

Ms. Holt stated this is a final subdivision plat application to combine five parcels into one on 0.449 acres. She presented the case summary. The service department has a warehouse there in a B-2 Business District. It is located on the NW side on the dead end of Wake Avenue. The City's Public Service Department is expanding their facilities and need to consolidate the lots to avoid building across property lines. Ms. Holt presented the zoning map, an aerial photo, the plat plan, a rendering of the new building (more details in packet on what the structure will look like), and site photos of the property.

She reviewed the standards for approval:

1. Staff has reviewed the plan and the resulting lot meets all the dimensional standards of the B-2 Zoning District.
2. The proposed lot in the subdivision will have adequate space to accommodate the building area and other site requirements.
3. The property has been surveyed by a licenses surveyor and has submitted a final plat to staff.
4. The proposed lots have been approved for access management. This plat has been sent to the fire department, service department director, and MCES for review. It will not impact any access management, utility or storm water management.
5. The proposed lots will not impact emergency access.
6. The proposed subdivision will result in one parcel.

Ms. Holt stated that staff recommends approval of the subdivision request with the condition that the plat is recorded property with Montgomery County.

Chairwoman Denning asked if both the buildings were staying on the property. Ms. Holt stated the smaller one is being removed and they will build a new site.

Chairwoman Denning closed the public hearing.

Mr. Hairston made a motion to approve Case #21-0023, for lot consolidation for 1531 Wake Avenue (Parcel ID #I39 00107 0023, I39 00107 0024, I39 00107 0025, I39 00107 0040, and I39 00107 0051) to consolidate five parcels into one lot. Mr. Vazquez seconded the motion. Roll call went as follows: Mr. Hairston, yes; Mr. Vazquez, yes; and Mrs. Denning, yes. **Motion carried.**

OLD BUSINESS/DISCUSSION ITEMS:

A) Bylaws – Chairman Denning stated that since two commissioners were absent she would like to wait for them to be present for approval of the bylaws. All were in favor of keeping it under old business until the next meeting. If anyone has anything to update on the bylaws email them to Ms. Holt.

B) Text Amendment Priorities – Chairwoman Denning stated she has been stretched and didn't reprint for this evening. Mr. Vazquez asked if there was something staff would have at the top of their list for the planning commission to begin to look at and research. Ms. Holt stated that fences, size, landscaping requirements were all on there. Mr. Burkholder stated there might be some setback requirements on commercial B-2 as there weren't any. Once the land use plan gets initiated those may include some comments. Part of the comprehensive plan will be relative to zoning and difference zoning code to give them some flexibility and mixed use. Chairman Denning stated it had been brought up to do some multi-use and some overlay districts as that allows for a lot more flexibility. Some people see the code and think they can't make it fit into the city code and don't bother calling. She added the time is coming that retail, office, and studio apartments are seen more and more. Mr. Burkholder stated they do have legislation that will move all their fees out of the code and create an omnibus fee schedule that passed by resolution. It will make it easier to follow the fee schedule and is an improvement.

ADJOURNMENT: Mr. Vazquez motioned to adjourn. Mr. Hairston seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 7:15 pm.

Chairwoman

Date