

CALDWELL PLANNING AND ZONING COMMISSION

MINUTES

December 10, 2013

I. **Call to Order** –Chairperson Doty-Pomoransky called the meeting to order for the public hearing at 7:05 p.m.

II. **Roll Call** –

Members Present: Dana Vance, Arvid Salisbury, Kenneth Scholz, Roger Page, Ed Doty-Pomoransky

Disclosures and Conflicts of Interest: None

Members Absent: None

Staff Present: Jarom Wagoner (Senior Planner/Development Team Leader); April Cabello (Planning Technician); Robb MacDonald (Assistant City Engineer); Brian Billingsley (Planning and Zoning Director)

Staff Absent: None

Review of Proceeding – Chairperson Doty-Pomoransky announced the procedures for the public hearing.

III. **Old Business**

A. Approve minutes of August 13, 2013 regular meeting.

MOTION: Commissioner Scholz **SECOND:** Commissioner Vance **Passed:** Unanimous roll call vote.

IV. **New Business**

A. Case Number SUP-362-13; a request by Jeremy Rhodes for special use permit approval to operate a tattoo parlor in a C-2 Community Commercial zone. The subject property is located at 2701 Cleveland Boulevard in Caldwell, Idaho.

Testimony:

- 1) Jarom Wagoner, 621 Cleveland Blvd., Caldwell, ID 83605, Senior Planner, presented a revised staff report with a change to the landscape requirement and submitted an aerial photo of the site labeled Exhibit PZ-1000. He further reported that the applicant is requesting a special use permit approval, which is required for a tattoo parlor to operate in a C-2 commercial zone. The property is located at 2701 Cleveland Boulevard where Cleveland and Blaine Boulevard come together. The previous use was a used car dealership for several years and now operates as a retail store. The proposed use is for a tattoo shop and the comprehensive plan map for this site is designated as commercial. The surrounding use to the north is a business plaza, to the south is a coffee shop, to the east is Taco Bell and other stores, and to the west is a veterinary clinic. The comprehensive plan map shows to the north, south, east and west all as commercial.

Mr. Wagoner further explained that it was noticed by Planning and Zoning and Building staff that a retail sales was happening at the property without the proper permits through the city. Planning and Zoning staff along with Building staff met with the applicant to make them aware of the requirements. Staff worked with the applicant through the building permit process and informed the applicant that they needed to apply for a special use permit to operate the tattoo shop at that location. Mr. Wagoner further stated that he spoke with the City Attorney on whether or not during the special use permit process if the applicant could continue to operate since it was not an allowed use. The City Attorney informed staff that they would allow the applicant to continue his business with the understanding that the special use could be denied at which time they would need to cease operation of the business. Mr. Wagoner further shared that the applicant was very good to work with; the applicant understood and complied with the Building Department requirements.

- 2) Mr. Wagoner referred to the revised staff report and stated in the original staff report that there were requirements for landscaping along Blaine Street, placing 8 trees and shrubs in the existing grass area. City Code does require when a special use permit takes place that the applicant must comply with the landscaping ordinance of the city, which would require landscaping along the entire frontage of the site. However, due to the odd shape of the parcel and the extensive frontage, staff recommended a modification not requiring all the required landscaping along Cleveland but to enhance the existing landscaping that is along Blaine. The applicant and property owner had some concerns about the landscaping requirement and met with staff to discuss the placement of trees in this area as it could be a possible obstruction of view when leaving the site and not see cars coming. Staff came to an agreement with the applicant and the property owner to reduce the number of trees from eight to five and to beautify the entranceway with landscape rocks, boulders and shrubs.
- 3) Mr. Wagoner stood for questions.
- 4) Commissioner Scholz wondered about the front point of the property and why it was not part of the site.
- 5) Mr. Wagoner responded that portion of the property is public right-of-way.
- 6) Commissioner Salisbury wondered if there is any plan to install sidewalks.
- 7) Mr. Wagoner responded that the city does not have plans to put in sidewalk but if this area were to redevelop then the developer would install the sidewalk.
- 8) Ken Marrs, 409 Denver St., Caldwell, ID 83605, applicant's representative, testified in favor of the request. Mr. Marrs stated that he and his wife rented the old Kurt & Hall showroom and sublet approximately 86 square feet of 3,400 square feet to their son Jeremy Rhodes so he could put in a tattoo shop. Mr. Marrs apologized because he was not aware of the codes. Planning and Zoning came and told them that they needed to have a special use permit to have the tattoo shop. Mr. Marrs informed the property owner that a special use permit and building requirements would be required for the tattoo shop. The property owner met city staff on-site to determine the landscaping issues. The property owner thought landscaping was a good idea to enhance the property. Mr. Marrs further shared that they are currently operating the businesses from 9am to 9pm and stated that they held a neighborhood meeting but no one attended the meeting. Mr. Marrs stated that both businesses are doing well and would appreciate the commission's consideration in this matter. Mr. Marrs submitted interior pictures as an exhibit.
- 9) Mr. Wagoner stated for the record the pictures would be labeled PZ-1001.
- 10) Commissioner Scholz clarified with Mr. Marrs which building on the property the applicant is occupying.
- 11) Chairman Doty-Pomoransky wondered how long the business has been operating.
- 12) Mr. Marrs responded the business has been operating since November 1, 2013 and the business broke even their first month of operation.
- 13) Chairman Doty-Pomoransky clarified how long the tattoo business had been in operation because the application stated 6 ½ years.
- 14) Mr. Marrs responded that the tattoo business has been in operation for 6 ½ years but not at this location, the tattoo business moved from Nampa to Middleton and now to Caldwell.

- 15) Jerry Beukelman, 3398 N. Can-Ada Road, Nampa, ID , spoke in favor of the application and stated that he is the property owner of 2701 Cleveland Blvd. Mr. Beukelman stated that they got out of the car business about 6 ½ years ago and rented the site back to Dennis Dillon for 3 years. When Dennis Dillon moved out the building sat vacant for a while. They have been trying to reinvent the property but at this point, the buildings are as they were when they operated the car lot. They rented the property to various people as a car lot and now until they can come up with better tenants or reinvent the ground they are trying to find people that can make the retail space work so when Mr. Marrs and his wife approached him to rent the space they decided to try it. Mr. Beukelman stated that he is trying to get a tenant in the shop area. Mr. Beukelman addressed the question about why there are no sidewalks stating that when the state put in Blaine and Cleveland for some reason they dropped the level of the roadway down about 6 feet lower than the property and that makes a big slant making it impossible to cut in a sidewalk.
- 16) Commissioner Scholz wondered about the current curb cuts.
- 17) Mr. Beukelman responded that there are currently two curb cuts along Cleveland and that there was a third curb cut but 15 years ago they had a problem with people cutting through the property from Blaine Street to Cleveland Blvd. They had to give up that curb cut to slow people down from using it as an access way.
- 18) Commissioner Scholz wondered about the arrangement with the tenant.
- 19) Mr. Beukelman responded that the tenant signed a six-month lease with a couple of options at the end of the first six months.
- 20) Curt Beukelman, 4662 N. Amaro Ave., Meridian, ID, signed in neutral of the application wishing to speak but stated that all his questions had been answered and did not wish to speak.
- 21) Public testimony was closed.

MOTION TO CLOSE TESTIMONY: Commissioner Salisbury **SECOND:** Commissioner Vance **Passed:** Unanimous roll call vote.

Evidence List for Case Number SUP-362-13 - Consisted of the case file; written and verbal staff report; PZ-1000 (aerial of site from Jarom Wagoner); PZ-1001 (interior pictures of the business). **MOTION:** Commissioner Vance **SECOND:** Commissioner Page **Passed:** Unanimous roll call vote.

Comprehensive Plan Analysis for Case Number SUP-362-13 – **MOTION:** Commissioner Vance **SECOND:** Commissioner Page **Passed:** Split roll call vote. Those voting yes: Doty-Pomoransky, Page, Salisbury, and Vance. Those voting no: Scholz.

Findings of Fact for Case Number SUP-362-13 - **MOTION:** Commissioner Page **SECOND:** Commissioner Vance **Passed:** Split roll call vote. Those voting yes: Doty-Pomoransky, Page, Salisbury, and Vance. Those voting no: Scholz.

Conclusions of Law for Case Number SUP-361-13 – **MOTION:** Commissioner Salisbury **SECOND:** Commissioner Page **Passed:** Split roll call vote. Those voting yes: Doty-Pomoransky, Page, Salisbury, and Vance. Those voting no: Scholz.

Order of Decision for Case Number SUP-362-13 – **MOTION:** Commissioner Vance **SECOND:** Commissioner Page. **Approval Passed with conditions as outlined in the staff report:** Split roll call vote. Those voting yes: Doty-Pomoransky, Page, Salisbury, and Vance. Those voting no: Scholz.

V. Planning Issues –

- A. The next regularly scheduled Planning and Zoning Commission hearing is February 11, 2014.
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VI. Adjournment

The meeting was adjourned at approximately 7:35 p.m.

MINUTES APPROVED AND SIGNED BY CHAIRPERSON ED DOTY-POMORANSKY ON THE DATE NOTED BELOW:

Ed Doty-Pomoransky

Date

ATTEST:

Jarom Wagoner, Senior Planner/Development Team Leader