

Planning and Zoning Commission
Minutes - Tuesday, July 30, 2019

The Canton Planning and Zoning Commission met at the Canton Depot on Tuesday, July 30, 2019 at 7:00pm with the following members present: Commissioners, Tanya Iverson, Ben Oien, Mike Pederson, City Commissioner Sara Steffensen, and Chairman Jerry Chaon.

Absent: Commissioner David Gillespie

Also present: Deputy Finance Officer Karen Leffler

Visitors: Justin Vincent

Pledge was recited by all present.

CONSENT CALENDAR

Commissioner Steffensen moved and Commissioner Pederson seconded to approve the consent calendar consisting of 1) Minutes from May 28th, 2019; and 2) agenda. All Ayes. Motion Carried.

HEARING –CONDITIONAL USE PERMIT – JUSTIN VINCENT – CANTON MOTORS – 1216 WEST FIFTH

This being the time and place, Chairman Chaon opened the hearing for the Conditional Use Permit application submitted by Justin Vincent for Canton Motors at the new location of 1216 West Fifth. Justin Vincent stepped forward and explained that he has relocated his car dealership from 305 West Fifth to 1216 West Fifth. Because the CUP does not move with the business, it was necessary to apply for a CUP for 1216 West Fifth. He would also have two renters, a graphic designer and a body repair shop.

Commissioner Iverson asked about the body repair shop and discussion ensued about the body repair shop. It was decided that the repair shop could not be considered “servicing” the used cars for resale, and could not be included in this CUP. It would require a separate application, complete with publication, signage and a hearing.

Commissioners then discussed the traffic visibility at the corner of West Road North and Fifth Street.

Commissioner Iverson moved and Commissioner Oien seconded to grant the Conditional Use Permit with the condition that vehicles would not be allowed to park in the restricted area for Visibility at Intersections - Chapter 11.02. All Ayes. Motion Carried.

WORKSHOP DISCUSSIONS ON POSSIBLE AMENDMENTS TO THE REGULATIONS

Deputy Finance Officer Leffler opened discussion on the items listed thus far. That list is attached to the minutes.

- It was decided that we would include a definition for “hard surfaced” in the definitions. The new definition should include compacted crushed asphalt, poured concrete, and asphalt pavement.
- It was decided that we would include a definition of both “service” and “body repair shop”
- It was decided to leave storage units (mini warehouses) as permitted and allowed by Conditional Use Permit in all districts as is.
- It was discussed to include in the motion as a condition that penalties will apply when conditions are not met and maintained and to include the date by which all conditions should be initially met.
- It was suggested to recommend to the City Commission that the fines for P & Z violations be changed to \$100 first offense, \$250 second offence and \$500 each additional offense, each day being considered a separate offence.
- Discussion on the yard sheds under 200 square feet. Should they require a shed placement permit, thus specifying the 7 foot setbacks. Should we lower the square footage of the yard shed & the setback for them to allow them to be closer than 7 feet to the property line? Karen will check to see what rules apply to our present stipulation of no permit needed for 200 square feet or less.
- Discussed the process required to pull a conditional use permit as a result of non-compliance. Further research needs be done on that.

Commissioner Steffensen left the meeting during the workshop discussion.

DIALOGUE:

Jason Bryant response to the letter Deputy Finance Officer sent reminding Jason about getting the area hard surfaced on his newly acquired lot next to his present location. He said that he is not yet placing any trailers on his new location for some while yet. He is still renting from Superior Properties.

Next meeting will be August 27th.

ADJOURNMENT

Commissioner Oien moved and Commissioner Iverson seconded to adjourn. All Ayes. Motion carried.

Meeting Adjourned.

Karen K. Leffler
Deputy Finance Officer

Please note:

Black print – original document - Red print – discussed at the meeting - Blue print – answers and additional thoughts from Karen

Items for discussion:

Defining “hard surfaced” to include crushed asphalt, concrete, asphalt, ___ ?? _____.

We will insert a new definition: **HARD SURFACED - Compacted crushed asphalt, poured concrete and asphalt pavement.**

This would affect driveways in residential areas as well. The word is used in several locations besides parking lots. (11.04 A-1 & 5) & (11.12 A.) would be affected.

Should the new definition be “HARD SURFACED PARKING LOTS”?

Or is it acceptable in residential areas to have asphalt driveways? There are a few out there. The approach still has to be concrete. But the driveway itself or extra parking beside the garage (for boats, campers) okay for asphalt too?

CUP for Mini-warehouses - Storage units: **No Change**

Allowed in Light Industrial and Heavy Industrial as a permitted use.

Allowed in General Business as a conditional use.

Do we want it as a permitted use in General Business?

And a conditional use in Residential?

Conditional Use Permits:

If the Conditions in a Conditional Use Permit are not followed through – what are the penalties?

Should they be specified to directly apply to CUPs?

There is a violations clause 1-05. and a corresponding fee on the City of Canton’s Fee Schedule. \$100.00 per first violation: \$200.00 for second violation; \$300.00 for the third violation and each subsequent violation.

Should that penalty and a deadline date for ‘failure to complete the conditions’ be mentioned in the motion?

Yes. And suggest to the City Commission to change the fees on the fee schedule for Civil Penalties for Planning and Zoning Regulations to Increments of \$100 - \$250 - \$500.00. Also be specific in the motion as to when penalties would apply.

Storage Sheds – Yard Sheds - pages 36 & 37.

Our Fee schedule for building permits does not require building permits or a fee for sheds 200 square feet and under.

As this (200 square feet) is a rather large shed and in some cases could be used as a garage, I would like to see the size not required to have a building permit - to be 180 square feet or less and on skids only. If it has a cement floor, it requires a permit regardless of size. The International Property Code allows 180 square feet on skids without a permit.

Discussion: Do the Planning and Zoning Regulations of 7 ft setbacks over-ride the International Property Code regulation that if a shed is 180 ft or less and on skids, it can be placed anywhere.

After discussion with Geoff Fillingsness – Code Enforcement Officer - “Yes, we can stipulate”.

Also, should the building permit regulations and fee schedule be changed to require a Shed Placement permit for sheds 200 sq. ft or under. Thus being able to enforce the 7 ft setback. This could bring us back to an increase in variances. People want to stick the yard sheds back in a corner. I remember that was part of the consideration in making the decision to discontinue building permits for 200 sq. ft and under. And the smaller sheds on skids aren't as big an issue as a permanent shed on cement. Would it be acceptable to allow a smaller shed to be closer to the property line than 7 ft? Maybe 8X10 or 10X10? Thus not having to do a permit for it or worry about the setbacks?