

## STAFF REPORT

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**Date:** October 11, 2017

**To:** Mayor and City Council

**Thru:** Sabra Newby, City Manager

**Subject:** **M.1. Staff Report (For Possible Action): Case No. LDC18-00001 (High Desert Truss & Lumber) Appeal of the Planning Commission's approval of a special use permit to: 1) allow for an outdoor manufacturing, processing, assembly, or fabrication facility within the Industrial (I) zone; and 2) allow for a nonresidential facility on a site exceeding one acre within 300 feet of residentially zoned property. The ±9.13 acre site is located ±165 feet south of Parr Boulevard, ±200 feet east of its intersection with Parr Circle (500 East Parr Boulevard). The site has a Master Plan Use designation of Industrial. The appeal was brought by Councilmember Paul McKenzie, and possible action by the Council could be to either affirm, modify, or reverse the approval and if approval is reversed the Council may directly deny the special use permit or remand back to the Planning Commission.**

**From:** Kyle Chisholm, Assistant Planner

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**Summary:** This is a public hearing and appeal of the Planning Commission's decision to approve a special use permit. The case was appealed by Councilmember McKenzie. The original request was for a special use permit to: 1) allow for an outdoor manufacturing, processing, assembly, or fabrication facility within the Industrial (I) zone; and 2) allow for a nonresidential facility on a site exceeding one acre within 300 feet of residentially zoned property. The ±9.13 acre site is located ±165 feet south of Parr Boulevard, ±200 feet east of its intersection with Parr Circle (500 East Parr Boulevard). The site has a Master Plan Use designation of Industrial. Possible actions available to Council include: affirm, modify, reverse, or remand the decision.

### **Discussion:**

The Planning Commission Approval: At the September 06, 2017, Planning Commission public hearing, the applicant's representative presented an overview of the special use permit (SUP) request and indicated that they agreed with staff's recommended conditions of approval, with exception of Condition Nos. 5 and 6. In addition to discussions regarding these conditions, Planning Commission discussed Condition No. 4.

*Condition No. 5:* The applicant's representative noted concerns with the recommended hours of operation of 7:00 a.m. to 7:00 p.m., Monday through Saturday with no outdoor manufacturing allowed on Sunday and asked that the Planning Commission consider extending the hours of operation to 7:00 a.m. to sunset, Monday through Saturday with no outdoor manufacturing allowed on Sunday. Planning Commission discussed Condition No. 5 and had concerns on whether the proposed hours were appropriate for the outdoor manufacturing use with residentially zoned property within ±300 feet of the subject site. The Planning Commission modified Condition No. 5 to allow the outdoor manufacturing use to operate from the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, 8:00 a.m. to 6:00 p.m. on Saturday, and no outdoor manufacturing on Sunday.

*Condition No. 6:* The applicant's representative asked that Condition No. 6 be removed, stating that this condition was related to a parking lot edge already required by code. A Planning Commissioner asked staff why Condition No. 6 was being recommended and if the parking lot edge was required by code. Staff indicated that previous comments were made asking the applicant to revise their site plan to include the parking lot edge but were never completed prior to the hearing. Staff explained that they did not agree with applicant's desire for flexibility with regards to the location of the parking lot edge. Staff explained that the condition was necessary to make sure that any future design met code. Planning Commission agreed and kept the condition as-is.

*Condition No. 4:* The Planning Commission expressed concerns with Condition No. 4 and stated that the sound study that was provided with the application did not cover potential future impacts that may occur from expansion of the outdoor manufacturing area on the western portion of the site. The Planning Commission was also concerned that sound study measured noise only from the existing residences to the south of the subject site but did not measure noise from the residentially zoned property lines to the southwest. The Planning Commission modified Condition No. 4 to limit outdoor manufacturing to the area outlined in the sound study.

Staff received one email from a nearby property owner stating that he was in general support of the project and that current operations weren't bothersome. However, the resident stated that staff should consider recommending limited hours of operation so the business doesn't become a nuisance in the future.

No one else spoke for or against the proposal.

Planning Commission Vote:

Planning Commission vote to approve the special use permit with modifications to Condition Nos. 4 and 5: seven in favor; none opposed, none absent.

Appeal of Planning Commission's Decision:

Councilman McKenzie submitted an appeal form on September 07, 2017, stating that outdoor operations of the business would be allowed to occur 24 hours per day, 7 days per week, in order to support the indoor manufacturing operations of the facility under the conditions of approval. No additional materials or information was provided.

**Financial Implications:** None at this time.

**Legal Implications:** None at this time.

**Findings:**

Special Use Permit: General special use permit findings. Except where specifically noted, all special use permit applications shall require that all of the following general findings be met, as applicable.

- a. The proposed use is compatible with existing surrounding land uses and development.
- b. The project is in substantial conformance with the master plan.
- c. There are or will be adequate services and infrastructure to support the proposed development.
- d. The proposal adequately mitigates traffic impacts of the project and provides a safe pedestrian environment.
- e. The proposed site location and scale, intensity, density, height, layout, setbacks, and architectural and overall design of the development and the uses proposed, is appropriate to the area in which it is located.
- f. The project does not create adverse environmental impacts such as smoke, noise, glare, dust, vibrations, fumes, pollution or odor which would be detrimental to, or constitute a nuisance to area properties.

- g. Project signage is in character with project architecture and is compatible with or complementary to surrounding uses.
- h. The structure has been designed such that the window placement and height do not adversely affect the privacy of existing residential uses.

**Recommendation:** Staff recommends that the Council review the letter of appeal and Planning Commission action, and affirm, modify, or reverse the Planning Commission's decision. If the approval is reversed, the Council may directly deny the special use permit or remand back to the Planning Commission.

**Proposed Motion:** Below are proposed motions with the findings for affirmation, modification, or reversal of the Planning Commission decision.

**Motion to Affirm Planning Commission Decision**

(denying the appeal and approving the special use permit)

In regards to appeal of LDC18-00001 (High Desert Truss & Lumber), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing for this appeal, I move to make all the required findings as listed in the staff report and AFFIRM the approval of the special use permit by the Planning Commission, subject to the conditions stated in the staff report. The City Clerk is instructed to prepare and file an order.

**Motion to Modify Planning Commission Decision**

(upholding the appeal and amending the special use permit)

In regards to appeal of LDC18-00001 (High Desert Truss & Lumber), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing, I move to MODIFY the decision of the Planning Commission which was to APPROVE the special use permit subject to conditions stated in the Staff Report. The City Clerk is instructed to prepare and file an order.

Modifications to the decision by the Planning Commission are: [List modifications]

**Motion to Reverse Planning Commission Decision**

(denying the special use permit or remanding back to the Planning Commission)

In regards to appeal of LDC18-00001 (High Desert Truss & Lumber), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing, I move to REVERSE the approval of the special use permit by the Planning Commission and to

directly DENY the special use permit, based on the inability to make findings \_\_\_\_\_\* as listed in the Staff Report. The City Clerk is instructed to prepare and file an order.

OR

In regards to appeal of LDC18-00001 (High Desert Truss & Lumber), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing, I move to REVERSE the decision of the Planning Commission, REMAND the matter back to the Planning Commission and direct the Planning Commission to seek further factual and technical information regarding findings \_\_\_\_\_\* as listed in the Staff Report. I am presently without adequate information to make decision regarding these findings.

**Attachments:**

- Display Maps (PDF)
- Decision Letter from the September 6, 2017 Planning Commission Meeting (PDF)
- Appeal Letter for LDC18-00001 (High Desert Truss & Lumber) (PDF)
- Draft Planning Commission Meeting Minutes - September 6, 2017 (PDF)
- Planning Commission Staff Report (PDF)