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HEARING EXAMINER REPORT
CONDITIONAL USE PERMIT

21902197

OFFICIAL RECORD BKG
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE DEPUTY *JM*

DATE: Feb 19, 2018

CITY OF POCA TELLO

APPLICANT: James C. Spoklie
REPRESENTED BY: Ryan Eborn
PROPERTY OWNER: James C. Spoklie
LOCATION OF REQUEST: 799 Wilson Ave
MEETING DATE: February 14, 2019
ASSIGNED STAFF: Terri Neu

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I. REQUEST

REQUEST: The applicant is requesting a conditional use permit to allow construction of self-service storage at 799 Wilson Avenue.

LEGAL DESCRIPTION: Lots 31, 32 and westerly 174.00 feet of Lot 33 of Idaho Tracts, Bannock County, Idaho

SITE CHARACTERISTICS: Zoning designation: Commercial General (CG)
Property size: 44,561.1 square feet (approximate)
Existing structures: Three buildings, one of which was approved through the CUP process in May 2018.

SURROUNDING LAND USES AND ZONING:

North: Residential dwelling and trailer park within a CG zoning district
South: Residential dwellings and commercial businesses within a CG zoning district
East: Residential dwellings and commercial businesses within a CG zoning district
West: Railroad, self-storage businesses, residential dwellings and a day care within a CG zoning district

II. FINDINGS OF FACT

1. Your Hearing Examiner discloses that he visited the site to observe the physical character and relationships of the subject property and surrounding area. No ex-parte communications took place with anyone prior to the public hearing or during the writing of this report beyond the information gathered or requested at said public hearing.
2. City Staff did not receive any comments either in support of or in opposition to this request.
3. City Staff indicated this request is an expansion of a previously approved CUP for Self Storage on the same property.
4. The Applicants Representative confirmed the subject storage units are 20-ft x 100-ft and have the same general look and character as the previously approved storage units.
5. The Applicants Representative confirmed that from the previous CUP, there remains the requirement for paving the area between the previously approved storage units and the one subject to this hearing stating that they will pave the area required.

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6. The Applicants Representative confirmed that the original storage units were large bay units more for vehicles while this application is smaller bays which will be more for personal storage.
 7. Refer to Staff Report of CUP#19-181 Findings for description of request, Staff proposed Conditions, site plan, photos and applicants written narrative.

III. CONCLUSION AND CONDITIONS

Based on review and analysis of the application material, subject site and surrounding area, applicable Municipal Code sections and goals of the City's Comprehensive Plan, your Hearing Examiner has determined that this proposal does meet the standards for a Conditional Use Permit with the stated Conditions. Therefore your Hearing Examiner respectfully determines that the requested Conditional Use is **Approved**. The following terms and conditions derived from City Staff Report are required: (bold text, if any, indicates hearing examiner modifications to City Staff conditions).

1. Building permits must be obtained for any changes to the building and the facility must meet appropriate standards according to current building codes.
2. All life safety issues must be addressed according to current city codes.
3. All other applicable City Code requirements not herein stated shall be met prior to occupancy of the buildings.
4. **Construct storm water retention swale as indicated on the proposed site plan.**
5. **All other conditions placed upon the previous CUP shall be applicable to and required of this CUP application.**

MUNICIPAL CODE PROVISIONS

Type of Action: Quasi-Judicial. The Hearing Examiner may approve with or without conditions or may deny the application.

Municipal Code §17.02.130(E), "Authority to Grant: The hearing body may approve, approve with conditions, or deny an application for a conditional use permit. The decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code Section 67-6521) to the City Council, using the process outlined in Municipal Code Section 17.02.400, Appeals, of this title. The hearing body may impose any conditions necessary to accomplish the following:

1. Minimize potential adverse impacts on other developments and surrounding land use;
2. Control the sequence and timing of development;
3. Control the duration of the construction period;
4. Assure that development is maintained properly;
5. Require the provision for on site or off site public facilities or services;
6. Require more restrictive standards than those generally required by this title;
7. Require mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction;
8. Require that studies addressing demographic, economic, fiscal, traffic, engineering, geologic, and environmental concerns be conducted prior to granting approval."

Municipal Code §17.02.300 states that conditional use permits shall be heard and decided on by the Hearing Examiner with an appeal to City Council.

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CONDITIONAL USE PERMIT ANALYSIS

Municipal Code 17.02.130(D), Criteria for Review. The hearing body shall review the facts and circumstances of each proposal in terms of the following standards and determine whether there is adequate evidence showing that the requested use at the proposed location:

1. Is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this code unless modified through the CUP process.

Applicant's response: "This request complies with all the application provisions within the zoning ordinance."

Staff analysis: Self-service storage is a conditionally permitted use in this zoning district and will comply with all of the applicable provisions of the code.

2. Is consistent with the goals and policies of the comprehensive plan of the city.

Applicant's response: "I believe it is consistent with the goals and policies of the comprehensive plan. The storage unit is compatible with the existing and permitted land."

Staff analysis: Staff finds the application is consistent with the following goals and policies of the Comprehensive Plan:

Chapter 5: Land Use

Goal 3: Develop and implement zoning designations and regulations that promote land uses and developments that complement the surrounding vernacular while utilizing the unique context and opportunities of each designated area.

Objective 3.1: Develop zoning district and regulations that focus on relationships between developments based on form, scale and function.

Chapter 13: Community Design

Goal 2: Consider use of various planning tools available that are flexible and predictable which generally improve the overall appearance of Pocatello.

Objective 2.2: Encourage development that is attractive and compatible and improves the quality of its surrounding environment, including established neighborhoods.

3. Is compatible with existing and permitted land uses within the general area.

Applicant's response: "We feel this building will fit right in where we are asking for it to be built with the property already having other storage units on it."

Staff analysis: The area is fully developed and the site is surrounded with a variety of uses. The area is zoned Commercial General. To the south and east there are residences and businesses; to the north is a residence as well as a trailer park; and to the west are railroad tracks, residences, a day care as well as other self-service storage facilities.

4. Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police and fire protection, drainage, refuse disposal, water/sewer and schools, to ensure that the proposed use would not be detrimental to public health, safety and welfare.

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Applicant's response: "The location is very accessible by emergency vehicles and we have a storm water plan in place."

Staff analysis: The property is located in a fully developed area of town so it can adequately be served by transportation facilities, police and fire protection, refuse disposal, water, sewer and schools.

5. Would be harmonious in scale, mass, coverage, density, and intensity with all adjacent permitted land uses.

Applicant's response: "Yes, the building will be harmonious with the land and other properties surrounding."

Staff analysis: The building and use will be harmonious with all adjacent permitted land uses. The immediate area is comprised of a mix of commercial, residential, railroad and other self-service storage uses.

6. Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established.

Applicant's response: "Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established."

Staff analysis: The applicant has provided a storm water report to help ensure this use will not adversely affect the environment more than a use that is permitted outright by code.

7. Would not be detrimental to the public interests, health, safety, or welfare of the city in its proposed location, size, design, and operating characteristics.

Applicant's response: Applicant's response: "The proposed would not be detrimental to the public interests or health or safety"

Staff analysis: The proposed use will not be detrimental to the public interests, health, safety or welfare of the city in this location.

