

## BOARD OF ZONING APPEALS

This special meeting of the Board of Zoning Appeals was held October 6<sup>th</sup> at 7:00 p.m. in the Public Safety Building located at 500 Quincy Street.

### ROLL CALL OF MEMBERS

#### Present

Board Member Shultz  
Board Member Knapp  
President Manchin  
Board Member Majic  
Board Member Cunningham

#### Absent

President Manchin called the meeting to order at 7:00p.m.

#### **City Staff Present**

Director of Planning - Shae Strait  
Staff Assistant - Kirstin Poluck  
Assistant Planner - Carly O'Dell Jones

### **APPROVAL OF MINUTES OF September 1st, 2022**

President Manchin asked for everyone to read over the previous months minutes and look for corrections or additions. **A motion was made** by Board Member Cunningham to approve the minutes. Board Member Majic **seconded the motion**. The **motion passed** unanimously.

### **PUBLIC HEARINGS FOR October 6<sup>th</sup>,2022**

**BZA 22-07** — Lisa Simmons is requesting a Variance at 1363 College Park to install a gas backup generator to extend beyond the 5-foot setback rule from the side yard property line. The property is zoned General Residential. The property is also known as Tax District 3, Map 24, Parcel 28.

Emily Price of Prunty's Electric was there to speak on behalf of the petitioner. She stated that the petitioner was requesting the variance to install a backup whole house generator in order to properly care for her spouse who is on life support. Currently if the power goes out the petitioner is required to call the fire department to come to her home and supply her batteries to keep the equipment going. If she was granted the variance for the generator she would no longer be required to do so.

President Manchin asked if there was anyone else there to speak in favor of the request. There was no one He then asked if there was anyone here to speak against the request, there was no one.

President Manchin asked for a motion to close the public hearing.

Board Member Knapp made a motion to close the public hearing, Board Member Majic seconded the motion.

Staff reviewed the proposal. Previously the board has approved two similar variances and staff agrees that this request is an undue burden on the petitioner. Staff recommended for the approval of the request for the reduction of the five foot requires setback for the mechanical equipment so long as the installation of the equipment meets the manufactures and mechanical equipment specifications for its open space and setbacks from any property lines or other structures on the property as previously approved by the board.

President Manchin asked if the board had any questions, there were none.

Board Member Shultz made a motion to approve the request with the setbacks to the minimum needed to meet manufacture's installation requirements for the unit. Board Member Majic seconded the motion.

Roll Call vote was done.

**Vote:** Majic, yes. Shultz, yes; Knapp, yes; Manchin, yes; Cunningham, yes; Motion approved.

**BZA 22-08** - Marion Regional Development Corporation requesting as Conditional Use Permit for Multi-family Residential Dwelling at the 700 block of Diamond St. The property is zoned Neighborhood Residential. The property is also known as Tax District 5, Tax map 10 parcels 362.

President Manchin asked if there was anyone there who was present to speak in favor of the request. Alan Staggers the Director of the Marion Regional Development Corporation. He stated we found this conditional use application. They have been working with West Virginia Community Builders for the better part of the year now. They are very experienced in building these types of units and have built several around the state. Speaking that evening more about the specifics of the project was West Virginian Community Builders. Richard Gains from Stantec David Schneider were also there to answer any questions you might have. As you know, MRDC owns property on Diamond Street. They've been working on the redevelopment of that. They strongly urged that the proposal be considered.

Joe Leighton was also there to speak in favor of the request. He stated: he was the managing member of WV Community Builders. The idea is to provide affordable housing to approximately somewhere between 30 and 40 households. Although it is a bit of a challenge from an engineering standpoint because we've got a very sharp drop off on the area. But on the other hand, that will give the residents a great view of the city. There have been demographic studies on the population of Fairmont and the need housing is definitely required. Mr. Leighton stated that he was there to answer any sort of questions and we've they've the architect and our civil engineer with us as well.

Commissioner Shultz asked what type of housing they were talking about? They're saying household so how many units, how many bedrooms? What are we looking at?

Mr. Leighton stated it's a senior living facility that would house people who are 62 or older.

Commissioners Majic questioned the number of bedrooms the facility would have to which Mr. Leighton stated they were one-bedroom facilities. All the units will be one-bedroom apartments. There will be support services for the residents that need them. Of course, that will be voluntary, but there will be people that are professionally trained to analyze their situations and to sort of guide them into the various support that they may require. They we will also have a lot of amenities on the property, for example examination rooms. There will also be a couple gathering areas both indoor and outdoor. That will allow the residents get out of their units and socialize with their neighbors and become part of that community as well as the Fairmont Community.

Commissioner Shultz asked if it was a one-bedroom apartment, with a small sitting area, kitchenette with a full kitchen. Mr. Leighton responded with a full kitchen, living room, bedroom and bathroom.

President Manchin asked what the square footage of was going to be, to which Mr. Leighton responded that is will be 750 square feet.

Commissioner Majic asked if there would be requirements other than just being 62 or older? Mr. Leighton stated that you will need to meet an income requirement which will be set at 60 percent of the area's median income. The idea behind the whole concept is to give people a place that they can age in place in and will not have to move to that have a higher level of care. I don't know that we're going be able to handle everything because it does get to a point where right now, we have to move on. But we will have a physician that will be able to sort of make that recommendation, as we call it. There will be 30 to 40 units, common areas will be furnished by us however the units themselves will be furnished by the resident. Mr. Leighton stated they plan to have an office there with the two will be staffed by a property manager.

Commissioner Shultz asked if the facility was going to be staffed 24/7, or will there be someone on hand 24/7 for the medical care side of things?

Mr. Leighton responded that the office will be staffed normal business hours, but that there would be emergency procedures in place for anything that happens after hours.

Commissioner Knapp questioned if the facility would be dependent on the city resources, to which Mr. Leighton responded that yes, it would be.

President Manchin asked if there was anyone else who was there to speak in favor of the request.

Richard Gaines of Stantec was there to speak in favor of the proposal. The three-story building on the diagram provided, from Diamond Street, you see one level the other two levels from

there down. So as far as the visual impact from Diamond Street, when you're down on Merchant Street you'll see the building with three stories, but it's not something that would detract from the area. Parking will be provided for each resident

Commissioner Majic asked what would be considered the front of the building? Mr. Gaines stated that Diamond St. would be considered the front because it will be level with the streets and be able to access the sidewalk that comes from Diamond Street.

Commissioner Knapp asked if there was any intention on adding walking paths or foot access to Palentine for the residents? Mr. Gaines responded there is a possibility of doing something there but it's not really a part of the plan at this point, however it's something to be considered.

Commissioner Shultz asked if they had looked into how this will impact traffic on Diamond St as that street in particular is very narrow. Mr. Gaines responded what they've done is, there is a portion of diamond street that's going to get widened. That section in front of it right now it gets very narrow right in front of the where we're proposing. After talking with staff, it was recommended to be able to increase the width of the road and we're doing most of that on the development side of me and adding sidewalk from property one property to natural wealth. It will be as wide as the rest of the Diamond Street is either side of the road.

President Manchin asked if there was anyone else to speak on behalf of the request.

David Snider was present to speak. David Schneider, of OMNI architects, will be the architect with Joe and Richard on this. Mr. Schneider stated that he did want to add to a few things that Mr. Gaines spoke about. The way the building fits into the hillside, in all reality, there will be two fronts to the building. The front of the building will face down the street from Diamond Street and will be consorted with one story structure that will fit in with the fabric of that neighborhood of the residential one-story residences that are there. When you come across Third Street Bridge, you're going to see that structure and it's going to be a very prominent. From a design standpoint, we will be looking at both the sides as the front facade. We really want to treat one as a back and one as a front so they will get equal treatment.

Commissioner Majic asked if there was any housing on the other side of Diamond Street that will be directly across from this facility? Mr. Snider responded that there are houses, but he doesn't believe they are directly across from the facility.

Commissioner Shultz asked if he could describe a little bit what the thoughts were with the exterior appearance, it's a pitched roof in the drawing, so it will be just an asphalt shingle or a metal roof and what is the exterior cladding going to be? Mr. Gaines responded that the roof will probably be for the most part asphalt shingles. There may be some accent areas that might be metal. The exterior facade was made up of a brick or stone with vinyl siding as well.

President Manchin asked if there was any one who was here to speak against the request.

Charles Reese was present. He stated he moved in 2005 to 18 Diamond Street, which is on the corner of Diamond Street. He retired at that time. We were told when the houses were torn down, they would probably be patio homes and maybe some smaller town in towards the direction of the million-dollar bridge. We have three at least three that I know specifically buildings for seniors. We had the tower here across the street, which was geared for the seniors. You had the one down on Jackson streets. Also, the Fairmont Hotel, which is also geared a good bit towards seniors and it seems to be functioning pretty well. Those seniors living in that area seem to have access to the city as a whole. They are in close enough distance that they can walk to different places within the city itself. While on this side there's no facilities. There are no eating places. There's no gas station, there's nothing new to meet the needs of some seniors. There's not even a pharmacy anymore.

Therefore, that makes it very difficult. We have enjoyed the open space there on Diamond Street for quite some time. 40 seniors in that building will mean that you're going to have a 400% increase in traffic and the 400% increase in cars delivering and trucks delivering all of that going on around this traffic facility. You have only one good legitimate entrance to that Diamond Street and that is off McKinley. Diamond Street facing about 1/3 of the way up and then turns left off of McKinley and onto Diamond Street. As somebody said it's a fairly narrow street, it's barely two lanes. It becomes narrower as you go up towards the connector. And at that point, you're either going to have to take a ride down the hill on very street and hopefully your brakes work and go down there.

Secondly, if you take a right up Barry Street, you can't get through except one car at a time because people are parked on both sides of the street before you get to Columbia. That makes it a little difficult there's no safe two way exit for entry. The concept of the design the structure seems as some I think, nice. What are you going to do if somebody walks down to watch the fireworks that Palatine Park there are very steep hills, they have to find their way over to the connector and get across that way, and there are no sidewalks. There is also the factor of the weather that WV gets in the winter. There would also be issues getting ambulances in and out on that particular road.

Commissioner Knapp asked Mr. Reese that if this facility was put in, would it be something that made him want to move from the area? To which Mr. Reese stated that he would not. He understands that for progress to be made there needs to be change, however he's not sure this is the street for it to happen.

Carlos Alexander, of 805 Diamond was next to speak. He stated single everything Mr. Reese just said, the roads are way too narrow. I have a Nissan Murano and I just drove I drove or diamond

Street was going there constructions only and I can look on either side of my car, and there's maybe two or three feet on each side. It's bad. I do want to preface that I think this type of building would be beneficial. However, he did have a question about the demographics they looked at, because one- bedroom apartments probably aren't going to work there. If you look more and more kids are being raised by their grandparents. These are the same people that are going to be living in these places. Chances are there's going to be a bunch of kids with one- bedroom houses. Also, the parking that was previously mentioned. I don't know anyone that's going to fix whole entire roads and structures to try to move their housing.

The front of the building is supposed to be on Diamond St. I don't think that is the wisest idea, because of all the construction you're going to have to do. In order for this to take place the entire road is going to need to be fixed for this to take place. They had mentioned that there's going to be sidewalk but as of now there's no type of walking there unless you're on the road.

Commissioner Majic pointed out that on our diagram, there are two parking lots on the left and right side. The senior living and the entrance are the road that they're building below, not on Diamond Street. And in their proposal, they do have a widening of Diamond Street to 20 feet. They also have proposed curbs and sidewalks as well as along Diamond Street. And I'm not. I'm obviously not speaking for the developer. I'm just letting you know since I have this information, I wanted you to hear.

Commissioner Majic stated it would be improved all the way to where you would enter to the parking lot. So as long as you would come out and go right it would all being improved. What won't be improved is further down towards the old carwash or where the dead end and like he was saying, you got to trust your brakes and not go down auto zone.

Mr. Alexander responded that if you go out and take that right, that means I have to sit down and hear all these cars pass about my house every day. And two, that's still super narrow. So, where the 700 block starts, there's a slight low incline and that goes back down on down the street

President Manchin asked if there was anyone else who was present to speak against the request.

Carol Reese also spoke out against the request. Because we've been living here 17 years now. There's not enough room for two cars. I've had a backup before or get the pullover to let somebody by if you had that many people, unless there's a huge change, it is going to be a big issue. It's going to be it's dangerous especially in the wintertime. Especially in the wintertime when that snow comes. If you're at McKinley and diamond to get if construction is taking place. I'm wondering how to get in and out personally ourselves, because there's, with what we have right now. You have to be really careful. But to add that many people and I'm not trying to deny

those people, you know, a place to live, but I don't think maybe it's the best place for this to take place. I really don't unless there's some major things. I've had almost head on collisions there. Because people fly and it is so narrow. You have to be so careful when you make that turn, because there's this big ditch that most people don't pay attention to. And you can go down that ditch really easy. There's a lot of things that that are negative for this particular thing unless they've got a better plan on how to get people in and out there.

The next person to speak was David May of the 700 block on Merchant St. I just got some concerns about the drainage because when it rains really hard, it is swampy around those areas underwater. Running down through the corner of my property into my neighbor's property and just have to concern on how they're going to do the drainage system to make sure our property doesn't get flooded from there's. is there anyone else?

The City Planner Shae Strait gave the staff report regarding the request. from our analysis of the infrastructure in and around the site, diamond street ranges between 12 and 20 feet in paved width along this frontage. Which is insufficient for two-way traffic currently, part of this narrowing of the road exists, and we've heard from the citizens here. There 2 locations in particular, there is a bit of a peak in the road as you get closer towards the gateway connectors are heading towards Front Street. Just about past where the church is, so it narrows very considerably there and then a topography on both the left and right sides at the right of way are significant slum. So that would be challenging. This is off site. So, this is past this development heading towards gateway connector. And the other part where it narrows is towards McKinley, and which the Right of Way itself narrows down to only 20 feet and then the road is about 16 to 12 feet and were things actually more like 14-16 feet and width of pavement from edge to edge, which is very narrow to most of our standards for roadways. So, we have predicted that actually we received some additional information tonight. So, we'll update these numbers. Here's because predicted that the average daily traffic count based upon standards for estimating this way increased by 60 to 80 vehicles per day. That that is based upon the fact that each tenant would come and go once at least in a day. So that's where that estimate comes from. Although obviously with this type facility and with the intended demographic that could be less since they may not be going to and from the dwelling units every day. But for the regular for when we do dwell units. We always guessed that somebody's leaving to go to work or buy groceries or something and coming home at least once every day. And so, the current approximate for the ADT is about 22 Since the church is not in service every day, and it's mostly just the residents that primarily use the road. So that would put the estimated ADT the average daily traffic count for Diamond Street post construction to be somewhere between 80 to 100, up from 20 which isn't significant for residential road but given the infrastructure levels, it's just something for us to consider. Like I can tell you where I live here in town, easily get 100 cars a day in front of my house but we do have a wider street that

is built out. So, for context we should be considered of that. Development of this property according to the submitted site concept is proposed to create a significant amount of impervious surface on otherwise undeveloped land which may impact stormwater runoff. We are at MS for city. So, what that means is we do have stormwater standards, particularly things like one inch rainwater capture that the petitioners and developers will have to meet those requirements. Now, there is not a stormwater manager and nor do I hold my DE So therefore, you know whether Wantage capture is sufficient. I'm not here to debate that point, but just simply state that the city does have their standards, and the developer would be required to enforce some of the things that the if some sight efficiency at the currently out could be increased with the divine parking lot. There is an additional 4800 square feet of unneeded impervious driveway because of the split parking lot layout. Although this may be design choice based upon the topography and other site conditions that causes proposals for them to place the structure where it is and therefore place adequate parking on both sides. But if something could be done, that impervious surface maybe could be reduced and future design iterations. So based on these facts here, and then to clarify a couple things before I get into the staff recommendations under Article 5.5, landscaping requirements and the city's zoning code number eight is the buffer yard landscaping requirements and specifically for multifamily.

If someone does construct a multifamily use, they would have to construct what we call a buffer yard which also has that privacy fencing, so it would create some buffer between the multifamily unit and the single-family homes along the side yards in the rear yard of property. In addition, for our lighting standards, which is article 5.1. We do review the lighting that is proposed to be installed on site and we do not permit for any more than one foot candle worth of light trespass cross property lines on to other private property.

We do permit for additional illumination at the driveways and the curb cuts and on the street for public. So, if they want to contribute to the public safety by illuminating the roadway within a reasonable standard, we permit for that but we do not permit for and one foot candle is not very bright. So that's almost unperceivable in some regards to the amount of light trespass and we do not permit for what we call direct glare. So, what I usually recommend for this in order to meet that requirement is we say that if you are off the property and looking at the building, you cannot see the illumination source. So, the lighting should be shielded in such a way that you can't see the ball or whatever the illuminating source is should be shielded, so you can't stare into that. And this is to also make sure that we maintain enjoyment on adjacent properties, because that is part of the zoning to make sure that we try to preserve the enjoyment of everyone adjacent when we do permit various uses or similar uses. So, with that staff recommendation is to neither support nor to object to the request. Staff is remaining neutral on this. There could be conditions that could be met that could make it sufficient. But our primary concern is the emphasis and insufficient infrastructure of diamond street itself to



support multifamily residential and around it, the developer and the designers have proposed for widening and improvements of the street itself directly in front of the project. But there are additional limitations left and right of there. So that does raise concern from staff for this. So, with that we have no official recommendations to the board for a vote one way or the other.

Commissioner Knapp questioned what the Average Daily Traffic count (ADT) was. Planning Director Strait stated that it was somewhere around 22, to which Commissioner Knapp stated that it would probably move up around 80-100 if the facility opened.

Planning Director Strait stated that we did do a design review committee meeting which that includes the stormwater manager, the public works director, myself building inspector and other officials from the city to discuss the project. We're mostly looking at the site and the site itself and I did not receive any comments from the public works director or utility department about anything of concern from them for the project so did not receive any concerns about that but with the order that the city would at this time, it has not been requested that the city allocate any funding towards the project for the improvements of the infrastructure and I cannot speak on behalf of City Council and city manager that the city would commit funding for infrastructure improvements I just looking at it feasibly. Because of the narrow 20 foot right of way between the proposed site and McKinley. It narrows down to the point it would be very difficult to actually improve that that which is really the more optimal access point is from McKinley and because of the narrow right of way there we just without doing the take or without adjacent property owners giving land it's not feasible to construct a wider Street and sidewalks for this area. So, we there's some limitations to so. couple really big question marks there about that, but we have not committed any funding. And I and also, I just realized I failed to clarify actually a question from one of the citizens. The blue indicated on the site plan is a stormwater management system. I believe this Why are you more in line with like a swale. So, it would be a landscaped planted area that takes in the site water, the stormwater that's diverted to it off the site, and hopes that that infiltrates naturally into the ground. Or is soaked up by plants that are installed on their stormwater facility. So, they had mentioned like maybe a swampy kind of water area. I think that's what the system was referencing on the submitted concepts like plan that we've received. And so that's what that would be never be a stormwater management facility that would hopefully be able to handle like that one-inch capture. We mentioned earlier for the stormwater requirements that we have.

President Manchin about the stormwater management system? Planning Director Strait responded with it's been the topography here does make that a bit challenging. I see that stormwater system is located you know, on the on the downhill side more towards merchant Street. And there is a draw, we actually can see it in the site concept here. There is a storm water line that runs down to merchant from Diamond. And that essentially is a draw there's a

right V shaped cutting to hillside that does collect the stormwater and then brings down an area if it doesn't get captured in a facility like this. I can't speak whether the storm water infiltration would increase for the properties below. But I think given some of the topography, it is hopeful that that ravine but that draw would capture it, and then obviously bring it more towards that area, which is undeveloped there for too long. It's just a wooded area right now. That doesn't happen buildings or structures. So obviously there'll be plenty of cut and fill and grading on site as well for the proposal. We can't speak to the exact ending. And then it's not been submitted yet. It's not a requirement yet, but the developers to submit that kind of information does not.

Mr. Gaines also responded that the stormwater management basin that Shae talks about is it is the collects. There's requirement for treatment of water for the quality of waters wanting to capture but you also have stormwater requirements to the to the 10-year storm, I believe. And so that water will make its way to that location that we will pipe it from there. And the intent is to try to take it back to the ravine that you were pointing out to the east. Well, I guess it'd be South Beach, so discharged in that location that redeemed so that it's not running down every merchant other than in that ravine at the current time.

Commissioner Knapp did ask how long they would be holding the water for? Would it be an extended period of time or just as long as it would take to drain? Mr. Gaines responded It has to be empty within 48 hours, okay. So that's what we have to do with the soil was not able to percolate on its own, then we'll have to amend those soils so that it will percolate into the soil and we'll put an under drain under several capture. It's not going to make a small but low. You'll capture below and then we'll pipe it out. Thank you. And the other point I wanted to make was I noticed the street is narrow in certain locations, and we're adding 40 units at the max. I think our plan showed 31 But there are several houses and that has been removed. There were residents there. I'm just looked probably roughly 10 structures that had been removed. So those were all still there and we had two or three persons. For each one of those, you know, the count has been reduced significantly by the structures that have that have been torn down and taken away. We're just adding back. Yes, there is a small amount increased to that but it's it worked for a lot of years the way it was not 100% ideal I agree.

Commissioner Majic wanted clarification on who all would be able to live at the facility, there had been mention if a grandparent was raising their grandchild. Mr. Leighton stated that anyone who sleeps there technically needs to be on the lease. They would not allow more than a couple to live at there. That does not mean that grandchildren wouldn't be allowed to come and stay for a night, it just means they wouldn't be able to permanently reside there.

President Manchin asked for a motion to close the public hearing. Commissioner Majic made a motion to close the public hearing, Commissioner Shultz seconded the motion.

President Manchin asked if the route being discussed connected to the Connector. Planning Director Strait responded that it does not, you have to take alternative routes. Commissioner Shultz stated that if this were to be denied if that property were to be sold and patio homes already built and you had family with children move in, wouldn't this wouldn't they run buses going up the street? Planning Director Strait stated that's where we did talk during the petitioner and reference this but there was discussion about maybe in the future, but it's not part of the plan today. of investigating a pedestrian connection to merchant street directly. There's other private property not owned by them that, you know, could be looked at and you could maybe get a walking pathway there and which one might be ideal because then folks will have better access to that park and hopefully future assets that will be coming into merchant Street as we continue to redevelop that area. But you're right. McKinley is the is currently the best option and the only option out there is no pedestrian infrastructure until you get down. It's either merchant street itself. There are no sidewalks you can divert the street or until now or until you get to the other merchant street because there's technically two parts of it here and then the Third Street Bridge kind of divides us. It's like looking at the plat that we've attached down here their sidewalks once you get into the flat area and there were the former Yeah, that used to be their sidewalks there from those holes, and then their sidewalks on the upper Merchant Street. I'm going to call it for this. But Mr. Stagers did bring up a good point. we can also see on this same plant. There's a little bit of a bump out here. It's kind of a trapezoidal shaped group of lots and MRDC does own those and that's part of where that right of way narrows down to 20 feet off the road. When you place the actual getaways point 20 feet than the road is even smaller in between. So MRDC does have control that does on this property.

Commissioner Knapp asked how fluid the plans given to us were? Planning Director Strait stated that MRDC have the majority control of the adjacent property. He believes that they're probably this level, we would describe it as a as an almost a schematic level of design, that they have a good working plan, but there's still some flexibility and in that that could be available but just to remind the board that the board does have the authority to place any conditions they request. As long as those conditions seek to accomplish anything that would improve the public health, safety, welfare, enjoyment of property and so forth that you all are charged with, considering so including you, including requirements such as minimum road standards that would have to be accomplished or so forth, so that the board has very broad authority and those things. There are substantial topographic challenges in and around the area to it was not part of this project. But we've looked at could there ever be like an alley back here at any point or other roadway development? It's, it's like, could we extend let's say hypothetical, extend this private driveway to McKinley or aka merchant? I'm not quite sure where the road actually changed his name, but right, you had that direction. The hill is so steep when you get Overpass this portion of the site that it does, it's maybe plausible, but whether it's financially feasible, and so there is yeah, we've I know they have looked at some other kind

of conceptual layouts and other information and there were a lot of challenges that they hadn't considered for this.

Commissioner Majic made a motion to approve the request with the caveat that they meet the minimum standards from the set forth by Public Works and THE STREET DEPARTMENT for a two-way traffic residential roadway. Also, it must be the improvement and extension of the road widening of the road must meet those standards. And so that will provide for two-way track as adequate to the track. Commissioner Cunningham seconded the motion.

A roll call vote was done.

**Vote:** Majic, yes. Shultz, yes; Knapp, no; Manchin, yes; Cunningham, yes; Motion approved.

### **Disposition of Past Cases**

Jonathan Martin, owner of Tetra holding company is requesting an extension for the conditional use permit for retail and service not to exceed 5000 square feet. That was granted in September of 2021. The property is zoned neighborhood residential and is identified as tax district five, not 10 parcels 28 will try to work with discussion to include public comment and call for extension.

Planning Director Strait stated that its bit of formality this point when they made the request, we had to formally put them on the agenda they've already obtained the building permit, which by obtaining a building permit, it grants them a natural extension. So, no action of the board is now required because of that. Okay. But so, they were moving forward. They just almost nearly missed their deadline according to when we had approved this last year. I think as you all remember; it has been a little while. So, I in fact, I drove by the site today and they were beginning to work on their signs already and we're painting the building and or painting their signs on the building. And we're well underway with their work. But just in case they didn't get the permit. They submitted the request for the Oh, yeah, because just as a reminder, watching to the person who has vacated the room now, when you all grant conditional approval like the one you just did, these are good for 12 months until they make significant steps to put that into place which could be a construction permit or maybe a major subdivision approval or they have to come and ask for an extension or come ask for an extension but they already started with there was the next day they got their sign permits and construction permits submitted and we got this thing of care for them. This is the former used car lot that you're trying to get out right. Well, right next to the previous site, you all just voted on

**New Business**

None

**Other Business**

None

**Adjournment**

President Manchin asked for a motion to adjourn. Board Member Knapp motioned to adjourn; Board Majic seconded the motion. Motion passed unanimously.