

Altoona Board of Adjustment Hearing – February 7, 2023 – 6:30 PM

Members Present: Rullman, Hall, Downs, Forbes

Members Absent: Simon

Staff: John Shaw, Natalie Jacobson, Marina Smart

Guests: Scott Mohr, Dave Hehr

Chairman Rullman called the meeting to order at 6:30 pm.

1. Roll Call. Roll call was taken. Four commissioners were present at roll call.

2. Election of Officers for 2023.

2a. Nomination and Election of Chairperson for 2023.

Motion by Downs, seconded by Forbes, to nominate John Rullman as Chairperson.

Votes: Yes – Downs, Forbes, Rullman, Hall. No – None. Abstain – None. Motion approved, 4-0-0.

2b. Nomination and Election of Vice Chairperson for 2023.

Motion by Rullman, seconded by Hall, to nominate Thomas Downs as Vice-Chairperson.

Votes: Yes – Rullman, Hall, Downs, Forbes. No – None. Abstain – None. Motion approved, 4-0-0.

3. Minutes of the October 4, 2022, meeting.

Motion by Downs, seconded by Forbes, to approve the minutes.

Votes: Yes – Downs, Hall, Rullman, Forbes. No – None. Abstain – None. Motion approved, 4-0-0.

4. Consider a request for a conditional use permit from NODAK Investments, LLC (Contractor Solutions) for the property at 2140 21st Street NW, within the I-80 Business Park commercial subdivision. The property is zoned M-1 (limited Industrial). Contractor Solutions is seeking a permit to create an outdoor storage yard in the western and southern portions of the property.

Chapter 168.14(3) lists outside storage yards as a permitted conditional use if fenced and screened.

Scott Mohr presented the application to the Board. It is for a modification to the site plan and the conditional use of outdoor storage for the property to install four gates and a section of fencing without slatting to allow for visibility.

Shaw asks Mohr a question for clarification regarding a section of fencing on the south border near gate 4 moving west that appears to have less landscaping than the rest of the southern fence line. Mohr responds that the fencing section identified will be slatted and screened according to the ordinance. The only portions of the fencing that will not be slatted and screened are gates 1, 4, and the section of fencing between gates 1 and 2.

Forbes asks Mohr what the use and need of gate 3 is. Mohr explains it is to allow for a future access point to the site for truck traffic.

Hall asks for clarification on where the fencing will not be slatted on the northern portion of the storage yard. Mohr and Shaw clarify the fence will be slatted all along the fence except the portion west of gate 1 up until it reaches gate 2 and potentially including gate 2 if permitted. The remaining fencing will be slatted and screen in accordance with the city code. Mohr also mentions gate 4 will not be slatted as well. Downs then follows up asking if there will still be screening around the areas that are not slatted. Shaw informs the Board that per the ordinance landscaping is required as additional screening around outdoor storage yards.

Downs asks what the difference between the previously approved and the proposed modifications are. Shaw explains the storage yard has been expanded out and is larger than previously approved. Gate 4 is being moved further east to line up with the eastern face of the building. Some additional landscaping is being provided along the property line.

Downs asks about the applicants reasoning for not slatting the entire fence. Mohr replies this is for visibility as a majority of the items that are to be stored are for rent. The display floor inside the building is not large enough for all the equipment.

Hall inquires about the condition of the equipment that will be stored. Hehr responds to this question stating the equipment is “used” since it is a rental company. But since it is a rental company, the equipment will be kept in good condition as to be attractive to clients.

Hall asks about traffic flow through the storage yard. Mohr replies that there is the possibility for vehicle traffic outside of the trucks used to bring equipment in and out but the majority will be foot traffic.

Rullman added to the discussion that he does not feel the proposal is not sufficient to screen the outdoor storage area and is not in accordance with chapter 168.14 of the city code. Downs agreed with Rullman and did not find the proposal to be sufficient as the materials within the storage yard will still be visible which is not in alignment with the city ordinance.

Forbes asks the applicant if both drive entrances to the property will be open during their hours of operation. In the application gate 2 was called out to open during their hours of operation. This gate covers the drive entrance on the northwest portion of their property line. Mohr informs the Board the second drive entrance further to the right of this entrance that will be open at all times

and that this drive entrance is the main entrance for all traffic to the site and leads into the parking lot. The driveway is not gated.

Motion by Downs, seconded by Hall, to deny the application as presented on the grounds that it does not comply with the screening and landscaping requirements of an outdoor storage laid out in the City Code and encourages the applicant to continue to work with city staff to effectively fence and screen in accordance with Chapter 168.14. 3(A).

Votes: Yes – Downs, Hall, Rullman, Forbes. No – None. Abstain – None. Motion approved, 4-0-0.

Mohr asks the Board how this affects their original conditional use permit they were granted back in April of 2022. Shaw responds that they still have the original approval location, landscaping plan, slats and fencing location.

Hehr asked the Board to reconsider their decision and if they could come to a compromise on this application. Downs then proceeds to ask Shaw questions regarding how the new proposal is different from the approved original. Shaw stats the fencing perimeter was pushed off the pavement, gate 4 was pushed further to the east, and some of the fencing is proposed to not be slatted. Essentially it is modifying the fenced in area. Shaw then advises that the Board can reconsider the modification of the fenced in area granted the area is screened and slatted as required per the ordinance.

Motion by Downs, seconded by Forbes, to reconsider and allow the new boundary location, the locations of the gates as provided in the site plan, as long as it is completely screened and fenced around the perimeter as require in Chapter 168.14.

Vote: Yes – Downs, Forbes, Rullman, Hall. No – None. Abstain – None. Motion approved, 4-0-0.

Staff provided updates to the Board regarding new and old business. Lineage resubmitted their site plan with some parking lot updates. Graham warehouse submitted an application for the March Board of Adjustment meeting for outdoor storage yard.

Meeting adjourned at 7:03 pm.

Respectfully submitted.
Natalie Jacobson
City Planner