

**CITY OF UMATILLA
PLANNING COMMISSION
OCTOBER 23, 2018
COUNCIL CHAMBERS**

- I. CALL TO ORDER:** Planning Commission, Chair, Smith called the meeting to order at 6:30 p.m.
- II. ROLL CALL:**
- A. **Present:** Chair, Lyle Smith, Vice Chair, Heidi Sipe, Commissioners: Jodi Hinsley and Ramona Anderson.
 - B. **Absent:** Commissioners Craig Simson and Kelly Nobles.
 - C. **Late arrival:**
 - D. **Staff present:** City Planner, Brandon Seitz, Community Development Director, Tamra Mabbott.
- III. APPROVAL OF MINUTES:** Approval of minutes for September 25, 2018. Motion to approve minutes made by Vice Chair, Heidi Sipe. Motion second by Commissioner, Ramona Anderson. Motion carried 4-0. Commissioner Sharp abstained.
- IV. UNFINISHED BUSINESS:** None
- V. NEW BUSINESS:**
- A. **Lucky Wash Conditional Use CU-10-18:** The applicant, Jorge Mendoza, requests approval to establish a business, Lucky Wash, that provides mobile pressure washing and cleaning services. The applicant intends to establish an office in the existing building and will primarily provide services off-site. However, the applicant is requesting approval to provide limited onsite auto detailing services. The property is located at 1110 Sixth Street, Umatilla, and is identified as Tax Lot 5900 on Assessor's Map 5N2817BD.

Chair opened hearing by reading introduction and hearing procedures.

City Planner, Brandon Seitz, stated applicant, Jorge Mendoza, is requesting approval to establish a business, Lucky Wash, that provides mobile pressure washing and cleaning services in the Downtown Commercial Zone. The applicant intends to establish an office in the existing building and will primarily provide services off-site. However, the applicant requests approval to provide limited onsite auto detailing services. Downtown Commercial Zone does not allow auto services, but according to the N.A.I.C, category updated in 2017, Lucky Wash may operate as allowed "other services" as a secondary use. The submitted materials meet or are capable of meeting the standards and criteria of approval as addressed in the attached report. Therefore, based on the information in Sections I and II of the report, staff recommends approval of Conditional Use, CU-10-18, subject to the conditions of approval contained in Section V of the report.

Commissioner Sharp inquired if landscaping has been addressed.

City Planner Seitz stated in the preliminary site plan it was informally addressed, but applicant still needs to submit site plan and at that time it will be reviewed to meet standards.

Applicant, Jorge Mendoza, owner of Lucky Wash, states he has been in business for a little over five years. Most of his business has been mobile, but as he is growing, he has a need for office space. With the office space and location he also has opportunity to expand services to auto detailing on a small scale.

Commissioner Sharp, stated site plan doesn't reflect entrance to business.

Applicant, Mr. Mendoza, stated entrance is on the side street across from G & J, but he is willing to change to accommodate rules.

Chair Smith calls for testimony in favor, opposition or neutral. None, therefore there is no rebuttal.

Chair Smith calls for a motion.

Motion made by Commissioner Sipe to close the hearing. Motion second by Commissioner Sharp. Motion carried 4-0.

Deliberation:

Commissioner, Sharp, would like to see a site plan with the percentage of landscape required.

Community Development Director (CDD) Tamra Mabbott clarified code does not specify a percentage of landscape required.

Commissioner Sharp stated for future applications he would like to see all materials included in presentation.

Applicant Mr. Mendoza, stated he has plans for landscaping in which are not reflected as he was unsure if the application would be approved or denied.

Chair Smith calls for motion.

Motion made by Commissioner Sipe to approve application with amendment that site plan will include landscape as required in zone ordinance. Motion seconded by Commissioner, Sharp. Motion carried 4-0.

- B. **Steve Bunn Conditional Use CU-11-18:** The applicant, Steve Bunn, received approval of a Condition Use (CU-2-1014) in 2014 to operate a gentlemen's club. In May, 2018 the applicant received approval to convert the business into a pool hall including similar recreational/amusement services. The applicant is now requesting approval to reestablish the gentlemen's club and amend the previous conditional use approval in allow the serving of alcohol. This request is being processed as a verification of nonconforming status and an amendment to an existing conditional use. The subject property is located at 1201 6th Street, Umatilla, and is identified as Tax Lot 800 on Assessor's Map 5N2817BD.

Chair opened hearing by reading introduction and hearing procedures.

City Planner Brandon Seitz reported that, Steve Bunn received approval of a Condition Use (CU-2-1014) in 2014 to operate a gentlemen's club. In May, 2018, the

applicant received approval to convert the business into a pool hall including similar recreational/amusement services (CU-3-18). The applicant is now requesting approval to reestablish the gentlemen's club and amend the previous conditional use approval to allow the serving of alcohol. The application does not comply with Section 10-10-4 of the City of Umatilla Zoning Ordinance. Therefore, based on the information in Sections I and II of the attached report, the criteria, findings of fact and conclusions in Section III of report, staff recommends the Planning Commission DENY this request, CU-11-18, to reestablish an adult entertainment business (gentlemen's club).

Applicant Steve Bunn, stated every time he has attempted to start a business in this city, he has hit a brick wall. He talks to one staff member and is given incorrect information every time or they change their mind about what they had previously said including the City Planner, Seitz. He really thought Brandon was on his side up until this evening. Mr. Bunn stated he has spent over \$30k remodeling the bar so he can pay his own bills. He doesn't like having a strip club any more than the City, but unfortunately it pays the bills. Mr. Bunn is tired of being lied to and was told that with the strip club he would be allowed alcohol as it is a secondary use to the "gentlemen's club".

Chair Smith calls for testimony in opposition, neutral no rebuttals.

Chair Smith calls for motion to close hearing.

Motion to close hearing made by Vice Chair Sipe. Motion second by Commissioner, Anderson. Motion carried 4-0.

Deliberation:

Chair Smith asked staff how much of what Mr. Bunn is saying is true?

City Planner Brandon Seitz stated his intentions were not to mislead Mr. Bunn, would review the record and code and refer to findings in 2012 p.18, alcohol was not allowed, but also not a condition. City Planner stated he has not memorized every section of our code and any answer provided incorrectly was not to mislead or lie to Mr. Bunn.

CDD, Tamra Mabbott, stated city paid for legal fees to assist in review and did not want to be misleading to Mr. Bunn. Findings and memo have been done in short notice to accommodate the application. This is not a subjective finding, it was also forwarded to our legal counsel.

Commissioner Sharp said in future staff might want to be more diligent and require more work even if we are trying to accommodate applicants.

City Planner Brandon Seitz, agrees with Commissioner Sharp in being more stringent and following procedures.

Applicant Steve Bunn felt Brandon backed him, but didn't.

Commissioner Sharp stated we need to follow code whether it is sooner or later unfortunately it was later, but we still need to follow code.

Chair Smith calls for motion.

Commissioner Boyd motions to deny CU-11-18.

CDD Tamra Mabbott requested for clarification denying CU-11-18 does not revoke CU-3-18.

Commissioner Boyd states he is confused.

CDD Tamra Mabbott clarifies that denying CU-11-18, still allows Mr. Bunn permission to operate the pool hall and serve alcohol from CU-3-18.

Chair Smith asked CDD, Tamra Mabbott if she could make comments before or after motions are made. This is Robert Rules. Comments are not to be made during a motion.

CDD Tamra Mabbott apologized to Chair Smith and explained the interruption was only to clarify and make sure both audience and commission understood what was being denied.

Commissioner Boyd motioned to deny CU-11-18. Motion seconded by Vice Chair, Sipe. Motion passed 4-0.

VI. DISCUSSION ITEMS:

Chair Smith invited public guests to speak.

Jose Alanis and Yadira Rico, owners of Alaniz Auto Detailing were present in to speak against CU-10-18. The couple thought the meeting started at 7pm.

Chair Smith stated the decision has already been made on application and cannot go back, but they are welcome to continue to speak.

Ms. Rico, stated that they asked City staff to assist them in obtaining the location that Lucky Wash is now operating in and were told that they may not operate an auto detailing business in that zone. Ms. Rico stated they had to stop working to find a place to move so they can rebuild their building. Previous City Manager, Russ Pelleberg, told them they could add the addition and no permits were needed. Then new city staff tells them they cannot work there.

Chair Smith asked staff to explain.

City Planner Seitz, stated Mr. Alanis primary use for a business is auto detailing. That use is not allowed in the Downtown Commercial zone. Currently Mr. Alanis operates his business in the Downtown Transitional zone in which it is an allowed use. Lucky Wash will be using the building as a primary use for office space this is where the confusion is.

Vice Chair Sipe stated she is confused. At previous meeting, CDD Tamra Mabbott, stated they [Alanis] moved locations as they outgrew their business which is positive for the business owners. As she is hearing it now it does not sound positive.

CDD Tamra Mabbott states for the record this procedure is out of order the time for the hearing has been closed. Information given to commissioners last meeting was information she had at that time. City Planner is correct regarding zoning uses.

Ms. Rico, states Mrs. Mabbott had told her anything auto was not allowed in that facility, the only thing that could operate there was a restaurant.

CDD Tamra Mabbott replies that the discussion was informal and had it been formal with a formal application code would have been applied. Also, things get lost in translation thru informal discussions.

City Planner Seitz wanted to clarify the reason they had to stop business on the expansion side was due to building code issues. Business owners could have continued operating on the other side of the building or outside as they have been. It was not a planning issue why they moved it was a building code violation.

Jorge Mendoza, owner of Lucky Wash, stated he actually wanted to use the same building he has the conditional use permit two years ago and was told it was not an allowed use, but as City Planner Seitz states his business Lucky Wash primary use is office space.

Commissioner Sharp stated it looks like staff now is being caught up in something that started two years ago. Applicant claims previous City Manager, Pelleberg allowed him to continue to work without permits.

City Planner Seitz states since he has been here, he has encouraged Mr. Alanis to bring the building up to code and has not stopped or halted his business to continue on the other side of the expansion. He sympathizes with the information that has been given to Mr. Alanis and the cost that he is having to pay, however this is strictly a building code issue that has forced him to make this decision.

Vice Chair Sipe apologized to Mr. Alaniz and Ms. Rico for the incorrect information she had been given last planning commission. She was under the impression that they were moving because they had outgrown their business which is a good thing -which was also mentioned in the mayor forum. Vice Chair Sipe wished she had been given correct information even though it might not have been good at least it was the correct information not partial. So again, she apologizes to Mr. Alanis and wife and hopes they don't leave Umatilla.

Mr. Alanis wanted to attempt to speak for himself, he stated he spoke with the City Manager Pelleberg and he assumed that speaking to him he was given correct information. Little did he know it was not correct. He said he continued with the extension of his building and shortly he had an inspector give him a stop work notice. He then showed Mr. Pelleberg that notice and was told it's okay. Mr. Alanis was given incorrect information. He said it is nothing personal with the current staff he understands they are picking up the pieces and attempting to get him on the correct path, but while doing so he has had to spend all his money to tear down the expansion and start over. He felt like he was going to get help from City, but instead received a letter from City Planner to stop working. He wanted to stay in Umatilla because he likes this City and he doesn't want to lose customers and money. He pointed at Mr. Mendoza and said he started working without permit and he lowered his prices to take his contract. He came tonight not to cause problems, but speak the truth.

Chair Smith stated that it upsets him the trouble he [Alanis] has endured however he needs to close the meeting, tapped the gavel and stated meeting adjourned.

Commissioner Sharp stated meeting not adjourned he wanted to state that it hurts his heart the way our previous city manager ran the city and feels as though city council should also be held accountable.

II. INFORMATIONAL ITEMS:

III. ADJOURNMENT: Adjourned at 7:36 pm.