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K. Fox stated that she would provide her contact information to her neighbors.

K. Eaglin asked K. Fox if there was any parking available in the alley behind the property or if parking would only be available on the street.

K. Fox replied that parking would only be available on the street in front of the property due to the homes located behind the property.

K. Eaglin recommended K. Fox add a note in the house rules about fireworks.

S. Baldwin then asked the Board and audience if they had any further questions. S. Baldwin then noted that because this meeting had numerous applications on the agenda, for the sake of brevity, he would give a brief synopsis of the Findings of fact to the Board.

**Findings of Fact**

1. *Is this use in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved?*

S. Baldwin: This category is 581. (Retail - Hotels, Tourist Courts, Tourist Home, Residential Hotel, Motels & other Transient Housing) do you all agree that this is the appropriate conditional use number?

M. Acosta: Yes.

R. Farris: Yes.

N. Burkhardt: Yes.

K. Eaglin: Yes.

2. *Will this use be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Zoning Ordinance?*

S. Baldwin: Do you think this goes along with the comprehensive plan zoning ordinance?

M. Acosta: Yes.

R. Farris: Yes.

N. Burkhardt: Yes.

K. Eaglin: Yes.

3. *Will this use be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area?*

S. Baldwin: Appropriate appearance with the general vicinity?

M. Acosta: Yes.

R. Farris: Yes.

N. Burkhardt: Yes.

K. Eaglin: Yes.

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4. *Will this use not be hazardous or disturbing for existing or future neighboring uses?*

S. Baldwin: Hazardous or disturbing to neighboring uses? I think that one's met with appropriate enforcement of rules.

M. Acosta: Yes.

R. Farris: Yes.

N. Burkhardt: Yes.

K. Eaglin: Yes.

5. *Will this use be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services?*

S. Baldwin: This one's about utilizes and so forth.

M. Acosta: Yes.

R. Farris: Yes.

N. Burkhardt: Yes.

K. Eaglin: Yes.

6. *Will this use not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community?*

S. Baldwin: Detrimental to the economic welfare of the community?

M. Acosta: No

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No, it's a benefit.

7. *Will this use not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors?*

S. Baldwin: Problems by traffic, noise, smoke, etc.?

M. Acosta: No

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.



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Findings of Fact

1. *Will this variance be injurious to the public health, safety, morals, and general welfare of the community?*

M. Acosta: No, I don't see it being injurious at all. There'd be no more impact than if a regular family were living in a single-family residence.

R. Farris: I agree with Mr. Acosta's comments.

N. Burkhardt: I too agree with those comments.

K. Eaglin: I also agree.

S. Baldwin: I think that was well stated, it's the same as if someone lived there.

2. *Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?*

M. Acosta: No, being a rental property, it's going to demand upkeep and keeping everything looking nice so the area will benefit from that.

R. Farris: No, I don't believe there will be any negative impact. In fact, the applicant has stated that she is very conscious about the effect on the neighbors.

N. Burkhardt: I agree with those comments.

K. Eaglin: I agree.

S. Baldwin: We heard no testimony from a realtor or an assessor or anybody that it will affect adjacent property values. I think that one's met.

3. *Will the strict application of the terms of the zoning ordinance result in practical difficulties in the use of the property?*

M. Acosta: I think we see in so many properties downtown built in tight quarters, no off-street parking, that applying the zoning ordinance as it is, basically negate the entire project.

R. Farris: Yeah, I agree with Mr. Acosta's comments, and I'll just add that there are no other options really for parking with these downtown properties so that is the peculiar nature of the property.

N. Burkhardt: I agree with those comments. As we stated before, if it was a regular residence, they would be parking on the street anyway.

K. Eaglin: I agree because, like I said, most residents have two vehicles and she stated that the people staying there would also have two vehicles, so it should very well.

S. Baldwin: And the peculiar condition is there is just no parking. There is very little parking for any property along that section down there. But we have gone through our findings of fact. We'll take a motion.

K. Eaglin made the motion to approve the application as submitted – Seconded by M. Acosta– Unanimous Consent vote – Final vote is five (5) in favor and none against – Motion carries.

***Application BZVD-24-3 was approved in accordance with the motion and vote.***

S. Baldwin noted that two application requests, **BZVD-24-31-BZCU-24-49**, were requesting Variances from Development Standards for the size of five (5) lots on 1000+ E Fulton St and 1339 E Fulton St. S. Baldwin then



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Dean Jacks – 1036 Fillmore – a neighbor approached the podium and stated that he believes that the proposal would devalue his property and that he was worried about the long-term precedent that it would set.

Rita Netherton -1389 E Fulton St – a neighbor approached the podium and stated that they've been there for fifty (50) years and were concerned about who would be using the campground as well as how sewage would be handled. She lastly mentioned that the previous neighbor hadn't received notice.

N. Burkhardt inquired N. Schell about the notice, to which N. Schell responded that the applicant sent all instructed notices out to the adjacent property owners and that any that weren't received by any neighbors were due to a staff error.

N. Schell made a note that the only people that could use the dumpsite were those who utilize the campground.

N. Burkhardt made a comment that she was concerned that someone could live on the campground for a long period of time and that the proposal doesn't fit with the comprehensive plan. She added that grouping the applications together was also a concern to her.

M. Acosta made a comment that he was also concerned with guests living on the campground for a long period of time and was unsure if that fits with the comprehensive plan. He added that open space, as outlined in the comprehensive plan, was intended primarily to be used for more short-term proposals such as festivals.

S. Baldwin asked the Board members if they had any more questions and then went into the Findings of Fact.

### Findings of Fact

1. *Is this use in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved?*
- S. Baldwin: Do you agree that Cat. 749 is a conditional use and the appropriate one?
- M. Acosta: Yes, I agree.
- R. Farris: I do believe that camping fits in with that category, but I'm not sure camping in the sense that the applicant has presented fits into that definition.
- S. Baldwin: So, do you think that one's met?
- R. Farris: Not in the sense that the applicant has verbalized.
- N. Burkhardt: I agree with Mr. Farris that category 749 is for picnic and camping areas, but I agree with him that I don't think that's exactly what they're applying for – just camping areas – there's is more of a camp ground, so no.
- K. Eaglin: Yeah, I agree. I think no, because this is seven (7) months of possible living. Through the months, he mentioned April through October and that kind of gets away from the camping definition in my opinion.
- S. Baldwin: 749, I think that one is the appropriate one.



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2. *Will this use be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Zoning Ordinance?*

- S. Baldwin: Do you think this is harmonious with the general or specific objectives of the city's comprehensive plan or the zoning ordinance.
- M. Acosta: No, and I referenced in the previous comments with the Board members that it's more of a seasonal living condition as opposed to an enjoyment of open space and utilization of it.
- R. Farris: No, I don't agree that it fits the comprehensive plan. We've got documented cases of previous applications that essentially were applying to do the same thing as this applicant and we didn't allow the conditions that the applicant had applied for, so I don't think this one fits the city's comprehensive plan either.
- N. Burkhardt: No, and I referenced the June 5<sup>th</sup>, 2020, letter that large group camping does not fit in the planning efforts of the city of Madison.
- K. Eaglin: I agree, no on that one.
- S. Baldwin: I would have to say no to that one myself for the same reason as Ms. Burkhardt, citing opinion of the city of Madison, and also the comprehensive plan, which I believe in that case was on page 74.

3. *Will this use be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area?*

- S. Baldwin: Do you think this design constructed, maintained, harmonious and appropriate in appearance with the existing or intended character, and not change the essential character of that area.
- M. Acosta: I think it will have an impact to the area, all along Vaughn Dr and down Fulton and all that way. A lot of people use their properties in, you know, they may have a camper there or a trailer there, but in this sense, this is going to be more of a commercial operation allowing that long term stay where the true essence of the enjoyment for the weekend. I think doesn't match up with the intent here.
- S. Baldwin: So, you would say no?
- M. Acosta: No.
- R. Farris: You know, having one camper per lot is probably more consistent with what's been approved in other applications, but group camping as stated in the application that we're voting on, group camping is not harmonious in appearance with the surrounding area.
- N. Burkhardt: I agree, I think it will change the central character of the neighborhood, which the neighbors have brought up, and as they said before, I don't think a large group camping doesn't fit there.
- K. Eaglin: Yeah, I agree, no on this. Does not fit the camping area.
- S. Baldwin: In my time on this Board we've had numbers of pretty pitch battles about the use of Vaughn Drive, and also -- within the city limits certainly and outside the city limits -- and outside the city limits it's been pretty much just an owner owns the property, brings his camper in sometimes. Doesn't change things much -- most of them -- a few of them have driveways that haul the camper in and out, but most of it is green space, so I don't think that one's met.

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4. *Will this use not be hazardous or disturbing for existing or future neighboring uses?*

- S. Baldwin: Do you believe this will not be hazardous or disturbing to existing or future neighboring uses.
- M. Acosta: Kind of a tough one, that really comes down to – from a visual standpoint—the appearance, if the area were full, eight (8) campers and people around, I think that level of crowd and that level of activity would be disturbing.
- R. Farris: I think this one's a problem because of the floodway classification and the potential impact it could have on neighboring lots if there were campers in use during floods that they couldn't get out.
- N. Burkhardt: I think as long as rules will be met, it wouldn't be hazardous, but the length of stay and the amount I think could be disturbing to the neighborhood use, so I'm going to go with no on that one.
- K. Eaglin: Yeah, I'd say no because of the length of stay and the sewage issue now that has come up.
- S. Baldwin: My concern there is if we allow this over the years, there's conceivably trailers will be left there for two to three weeks or whatever. Somebody will show up once in a while for a weekend off or whatever. We have a flood, there's nobody to haul them away, they float away. And that is precisely why there are so many strict rules from FEMA and the city of Madison and the DNR about building in a floodway, because so much damage can happen to other people, not just the guy that lives there. So, I think that one fails.

5. *Will this use be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services?*

- S. Baldwin: This is served by central public facilities and services, highways, streets, drainage, refuse disposal, water and sewers, schools, and will they be able to provide adequately any such services.
- M. Acosta: I think when you talk about the drainage, all the stuff that would potentially be addressed in any DNR or any Corps of Engineers type survey, stuff in that area, you mentioned he would run electric through the electric trip -- I think possibly water, but there wouldn't be any sewage disposal there. And according to Mrs. Schell's information there a moment ago, it could not be used in the city facility. So, I don't think it could be fully served adequately.
- R. Farris: Considering the terms that the applicant explained to us, I don't think that many campers could be served with sewage service knowing that they can't access the campground and that some of the campers could leave their campers for six (6) to seven (7) months at a time.
- N. Burkhardt: I'll say no on that one. I don't think they can provide adequate services.
- K. Eaglin: I say no because of the services.
- S. Baldwin: Problem is, there's no sewage disposal there. You can't use the city campground, as we've been informed. Trailer holding tanks don't hold much, so what do you do? You have to haul the thing in and I'm going to say no to that one as well.

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6. *Will this use not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community?*

S. Baldwin: This will not create excessive requirements at public expense for public facilities and services, and not detrimental to the economic welfare of the community.

M. Acosta: I don't know that it would cause additional requirements at public expense, but I do think that a long-term camping area does not add to the economic welfare.

R. Farris: Well, I don't see that it would create excessive expense for the public. And, from an economic detriment standpoint, you know, I guess I don't – I can't think of a reason why it would be economically detrimental to the community, so I would have to say that one's probably met.

N. Burkhardt: I agree, I think that one is met, just for the reasons that Mr. Farris gave.

K. Eaglin: I agree, that's been met.

S. Baldwin: I would agree as well that that one's met. I don't see any problems there.

7. *Will this use not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors?*

S. Baldwin: This will not involve uses or activities that will be detrimental. Excessive production of traffic, noise, smoke, fumes, glares, odors.

M. Acosta: Yeah, I don't think it necessarily would have a detrimental impact from that standpoint. It would be met.

R. Farris: Yeah, I don't see any of those being an issue. I would say that one's met.

N. Burkhardt: There would definitely be excess production of traffic, but I think for right now, I would say that one was met.

K. Eaglin: I also agree that's met.

S. Baldwin: And I would have to agree that one's met as well. There would be no excess traffic anymore, much more than what goes down there now. Especially on holidays. I think that one's okay.

8. *Will this use have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares?*

S. Baldwin: This is about vehicular approaches to the property, not to create interference with traffic on surrounding public thoroughfares.

M. Acosta: I don't see it creating any issues in that sense.

R. Farris: I mean, other people get campers in and out. I don't see that being a big issue. I think the requirements are met there.

N. Burkhardt: I think our requirements are met.

K. Eaglin: I agree, I think it's met.

S. Baldwin: And I see no terrible traffic jams or anything like that. I think that one's met.

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9. *Will this use not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance?*

S. Baldwin: This will not result in the destruction, loss or damage of natural, scenic, or historic features.

M. Acosta: I think it's the way the applicant described putting in the pads and those things. I think other than having campers on the lot, you're not doing anything detrimental to the land.

R. Farris: Well, I think if there were campers left during a flood and the campers ended up floating down the river, that might damage the natural, scenic features for a while.

S. Baldwin: So, you think that one is failed?

R. Farris: I get one failed.

N. Burkhardt: No, I'll go with that one. I don't think it has a major importance.

K. Eaglin: I agree, I don't think there's anything major there as far as scenic value.

S. Baldwin: And I would agree that that one is met. I don't think there would be loss of any of these things particularly.

S. Baldwin announced that they had gone over the Findings of Fact and stated that if they do issue a Conditional Use Permit that they'd also need to decide on the Variances. He then asked for a motion.

N. Burkhardt made the motion to deny the applications – Seconded by M. Acosta - Unanimous Consent vote – Final vote is five (5) in favor and none against – Motion carries.

***Applications BZCU-24-44-BZCU-24-49 were denied in accordance with the motion and vote.***

S. Baldwin noted that the motion and that there was now no need to consider the applications for the Variances for the properties.

D. Sharpe recommended tabling or acting on the applications at some level and explained that if the applicant or property owner so wished in the future, they could apply the Variance applications to another Conditional Use Permit for those properties as they don't meet minimum requirements for that zoning classification. He added that notifications for any proposed uses in the future would be sent out to adjacent property owners as well.

S. Baldwin made the motion to indefinitely table the Variance applications for the purpose of allowing the applicant to discuss with staff anything else he wishes to do with the property – Seconded by N. Burkhardt Unanimous Consent vote – Final vote is five (5) in favor and none against – Motion carries.

***Applications BZVD-24-31-BZVD-24-35 were tabled in accordance with the motion and vote.***

S. Baldwin made a comment that he believes that his motion was sufficient, and that the applicant would not have to pay any fees for variances. He then moved on to the next application on the agenda.

2. **BZCU-24-50:** Joy King – Conditional Use Permit for a single-family residence to be used as a short-term rental.

Location: 606 Jefferson St

Zoned: Historic District Residential (HDR)

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John King – 7417 Dixie Highway – a representative of the applicant approached the podium and discussed the purpose of the application. J. King also explained that he had already spoken before the BZA the previous month regarding a Variance for parking for this property.

M. Acosta asked J. King if he knew of other short-term rentals in the neighborhood to which J. King replied that he was aware of several short-term rentals surrounding the property.

K. Eaglin asked J. King if they would advertise the property, to which J. King replied that they may in the future, but that they currently did not have any plans to do so.

N. Burkhardt asked J. King if they included the maximum number of guests allowed on the property in the house rules.

S. Baldwin responded to N. Burkhardt, stating that in the attached house rules for the application J. King listed that a maximum of eight registered (8) people were permitted. S. Baldwin added that a lease agreement must also be signed, and a photo ID of the lessee must be provided for the guest as outlined in the house rules.

K. Eaglin asked J. King if there was a limit for vehicles.

J. King responded that they recommended a limit of two to three vehicles.

S. Baldwin asked the Board and the audience if they had any more questions. S. Baldwin then asked if anyone in the audience would like to speak in favor or against the proposal.

Much like the previous Cat. 581 application for K. Fox, S. Baldwin stated that he would briefly describe the Findings of Fact and ask the Board members if they have any objections.

#### Findings of Fact

1. *Is this use in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved?*

S. Baldwin: Is this the right conditional use?

M. Acosta: Yes.

R. Farris: Yes.

N. Burkhardt: Yes.

K. Eaglin: Yes.

2. *Will this use be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Zoning Ordinance?*

S. Baldwin: Do you believe it's harmonious with the Comprehensive Plan zoning ordinance?

M. Acosta: Yes.

R. Farris: Yes.

N. Burkhardt: Yes.

K. Eaglin: Yes.

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3. *Will this use be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area?*

S. Baldwin: Harmonious and appropriate in appearance with the general area?

M. Acosta: Yes.

R. Farris: Yes.

N. Burkhardt: Yes.

K. Eaglin: Yes.

S. Baldwin: Everyone agrees.

10. *Will this use not be hazardous or disturbing for existing or future neighboring uses?*

S. Baldwin: Hazardous or disturbing to neighboring uses?

M. Acosta: No

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

S. Baldwin: No problems.

11. *Will this use be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services?*

S. Baldwin: Adequate utilizes and police and so forth.

M. Acosta: Yes.

R. Farris: Yeah.

N. Burkhardt: Yes.

K. Eaglin: Yes.

12. *Will this use not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community?*

S. Baldwin: Creating requirements at public expense - not detrimental to the economic welfare of the community.

M. Acosta: Agreed.

R. Farris: Agreed.

N. Burkhardt: Yes, agreed.

K. Eaglin: Agreed.

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13. *Will this use not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors?*

S. Baldwin: This is the one about activities, processes, excessive production of traffic noise, smoke, fumes, glare and odors. Any problems?

M. Acosta: No.

R. Farris: No problem

N. Burkhardt: No.

K. Eaglin: No.

14. *Will this use have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares?*

S. Baldwin: This one's about vehicular approaches to the property. Not interfering with other traffic?

M. Acosta: Yes.

R. Farris: Yes.

N. Burkhardt: Fine.

K. Eaglin: Should be fine.

S. Baldwin: Met.

15. *Will this use not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance?*

S. Baldwin: Won't result in loss or damage to historic, natural scenic things?

M. Acosta: No.

R. Farris: Agree.

N. Burkhardt: Agree.

K. Eaglin: Agree.

S. Baldwin: There seems to be general agreement.

S. Baldwin made the motion to approve the application as submitted for a one-year renewal term with the Conditions that the submitted rules are adhered to and there be a limit of three vehicles - Seconded by N. Burkhardt – Roll Call Vote – Final Vote is five (5) in favor and none against – Motion Carries.

***Application BZCU-24-50 was approved in accordance with the motion and vote.***

N. Burkhardt asked N. Schell if the city has considered placing a limit on short-term rentals as community members have voiced concerns.





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S. Baldwin asked J. Kempton to clarify what the hours would be.

J. Kempton responded that he hasn't yet figured out which hours would work best with his schedule, but that it'd likely be open on Tuesdays, Thursdays, and Fridays.

S. Baldwin asked J. Kempton if he's proposing open hours from five-thirty (5:30) P.M. to seven-thirty (7:30) P.M.

J. Kempton stated that if they were busy, they may stay open until eight-thirty (8:30) P.M. and that Saturday hours would depend on customer preferences for shooting in the afternoon or evening.

N. Burkhardt asked J. Kempton how long each session would last.

J. Kempton stated that it'd be about thirty (30) minutes per shooting session with a brief intermission to allow for the next customer/s time to get ready. He added that eight (8) customers would be the maximum number of customers permitted due to the property size.

N. Burkhardt asked J. Kempton if there were any regulations for the business or if customers had to sign a waiver or anything of that nature.

J. Kempton responded by stating that there's no real danger involved with the business outside of hazards such as tripping or twisting ankles which is common for most businesses. He added that they would have safety rules just like regular ranges do.

K. Eaglin asked J. Kempton if the units were rechargeable, or battery operated.

J. Kempton responded that the units were battery operated and that the battery can last upwards of ten (10) years. He added that electricity would be used to power range simulations and tablets for shooter feedback.

S. Baldwin asked J. Kempton if he would be managing the business himself since it'd be a home business.

J. Kempton replied that as of right now, he'd be the only manager and added that he has no intent to sell anything for the business.

S. Baldwin asked the Board and the audience if they had any more questions.

S. Baldwin noted that since this proposal doesn't fall under any listed use under section seven (7.00) in the Zoning Ordinance -- but falls under section 11.71, which is considered unique, he would go through the Findings of Fact and ask Board members for their opinions for each question.

#### **Findings of Fact**

1. *Is this use in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved?*

S. Baldwin: Is this a correct conditional use?

M. Acosta: Yeah, I agree with your statement as you explained it.

R. Farris: Yeah, I agree as well. I think 11.71 is a match.

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N. Burkhardt: Yes, I agree with that.

K. Eaglin: Yes.

S. Baldwin: It's the only possible one in my opinion.

2. *Will this use be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Zoning Ordinance?*

S. Baldwin: Harmonious with the general or specific objectives, comprehensive plan, etc.

M. Acosta: Yeah, I think it helps support it. It's another small business starting, it's not going to have an injurious nature to anything around it.

R. Farris: Yeah, I think our comprehensive plan promotes small business and we want to be supportive of that.

N. Burkhardt: Yes, I think it's harmonious with the comprehensive plan.

K. Eaglin: I agree.

S. Baldwin: It's another small business, so I think that fits in. I think that one's met.

3. *Will this use be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area?*

S. Baldwin: Number three (3) is about harmonious with the existing or intended character of that general area.

M. Acosta: Yeah, won't have any negative impact at all. It'll function as it does today as far as its interaction with the area.

R. Farris: Yeah, I see no reason to believe that this is going to have a negative impact in any way. I think it's just going to be like eight visitors playing video games inside.

N. Burkhardt: I agree, I don't think it'll change the character. They're not changing the outside and they're not having signage.

K. Eaglin: It should be fine; I mean it was a church before and had cars there on the weekends and Wednesday nights and all that before, so I don't see any change.

S. Baldwin: And I think that one's met. Frankly his business plan says there will be no change in its appearance or anything.

4. *Will this use not be hazardous or disturbing for existing or future neighboring uses?*

S. Baldwin: Hazardous or disturbing to neighboring uses?

M. Acosta: Other than maybe an extra car in the driveway, I don't think it'd be disturbing at all.

R. Farris: Yeah, I don't see any reason to believe it's going to disturb the neighbors.

N. Burkhardt: I agree, I see no issue with that.

K. Eaglin: I see no issues with that.

S. Baldwin: And it's all indoors. It has no noise. I can't see how that one is not met.

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5. *Will this use be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services?*

S. Baldwin: This one's about utilities and so forth.

M. Acosta: Yeah, obviously it's already served with all the necessary utilities as the applicant mentioned. It doesn't even need an electrical requirement to operate the equipment.

N. Burkhardt: Yeah, I see no issue with public facilities.

K. Eaglin: Should be fine.

S. Baldwin: I agree, it's adequately served by all that.

6. *Will this use not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community?*

S. Baldwin: This is about requirements of public expense, not detrimental to the economic welfare of the community.

M. Acosta: Well, I don't see it requiring any public expenses and certainly won't be detrimental to the community.

R. Farris: No, I don't believe it's going to require any or produce any additional public expense.

N. Burkhardt: No, I see no issue with that.

K. Eaglin: Yeah, I see no issue. Should be fine.

S. Baldwin: I frankly do not see how that one couldn't be met.

7. *Will this use not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors?*

S. Baldwin: This is uses, processes, etc., that are detrimental because of too much traffic, noise, smoke, etc.

M. Acosta: Based on the description of the business, it's not going to generate any of those issues.

R. Farris: No, I don't see any reason to believe it's going to produce any of those descriptors to any excess that will cause trouble.

N. Burkhardt: No, I see no detriment.

K. Eaglin: I agree, no detriment to the neighborhood.

S. Baldwin: It's indoors, it's noiseless. Laser guns don't smoke. The level of traffic there is nothing compared to the nearby shopping center. I don't see any problems there.

8. *Will this use have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares?*

S. Baldwin: This one is about vehicular approaches to the property, not to interfere with traffic.

M. Acosta: I don't see any issue with that, it'd be a little more than it is today.



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J. Schutte replied that they were in the process of obtaining all the required paperwork for the proposal, and that must also comply with all the other requirements such as the interior design.

S. Baldwin asked J. Schutte if the proposal would be a multi-year project.

J. Schutte stated that the intent of the project is for it to become a permanent standalone business and that they currently have a five-year agreement with the property owner.

K. Eaglin asked J. Schutte if the proposal would be year-round. J. Schutte stated that they would close on Thanksgiving, Christmas, and Easter. M. Acosta asked J. Schutt if the proposal would cause any issues with the farmers' market.

J. Schutte stated that they had already spoken to representatives of the farmers market, and they didn't express any issues with the proposal.

S. Baldwin asked J. Schutte about the internal kitchen.

J. Schutte stated that anything that is sold in the store must be produced in an industrial kitchen that has been certified by the Department of Health, so they'd need to add a stove and oven to meet those requirements.

S. Baldwin asked the Board and the audience if they had any further questions.

Much like the last few applications, S. Baldwin stated that he'd give a brief explanation of each Findings of Fact question and ask for the Board members' responses.

### Findings of Fact

1. *Is this use in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved?*

S. Baldwin: Is Cat. 541 the correct conditional use, does anybody have any objections?

M. Acosta: No.

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No, sounds right.

2. *Will this use be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Zoning Ordinance?*

S. Baldwin: Is this harmonious with the comprehensive plan, etc.?

M. Acosta: Yes.

R. Farris: Absolutely.

N. Burkhardt: Yes.

K. Eaglin: Yes.

S. Baldwin: I would say definitely.

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3. *Will this use be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area?*

S. Baldwin: This one is about being harmonious with the general area and the general character.

M. Acosta: Yes.

R. Farris: Yep.

N. Burkhardt: I agree, I don't think it'll change the character. They're not changing the outside and they're not having signage.

K. Eaglin: Yes.

4. *Will this use not be hazardous or disturbing for existing or future neighboring uses?*

S. Baldwin: This one's about being disturbing or hazardous to neighboring uses.

M. Acosta: Will not.

R. Farris: No issues.

S. Baldwin: All think that one's met.

N. Burkhardt: Yes.

5. *Will this use be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services?*

S. Baldwin: This one is the one about adequate utilities and whatnot.

M. Acosta: Yes.

N. Burkhardt: Yes.

K. Eaglin: Yes.

S. Baldwin: It's downtown, I think no problem.

6. *Will this use not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community?*

S. Baldwin: This is about being detrimental to the economic welfare of the community. Requirements of public expense.

M. Acosta: Yes.

R. Farris: Yes.

N. Burkhardt: Yes.

K. Eaglin: Yes.

S. Baldwin: Yes.



