PLANNING COMMISSION MINUTES

DATE: May 11, 2015

TIME: 4:30 p.m.

PRESENT: Chairperson Davis, Commissioners Boettcher, Porter, Hahn Buelow, Ballard, M. Olson, and Fritz

ABSENT: Commissioner L. Olson

STAFF PRESENT: City Planner Mark Moeller; Assistant City Planner Carlos Espinosa

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The meeting was called to order at 4:30 p.m. by Chairperson Davis.

Approval of Minutes – April 27, 2015
The minutes for April 27, 2015 were approved upon motion by Commissioner Boettcher and second by Commissioner Hahn.

Public Hearing – Rezone Request M-1 to B-3
Chairperson Davis opened the public hearing and asked staff to present the item. Mr. Espinosa stated that the request is to rezone the area in question from M-1 to B-3. Mr. Espinosa presented the following analysis and recommendation:

1. There may have been error or oversight in M-1 zoning of the area in question – as the use of the area in 1959/1960 could have been supported by a business zoning classification.
2. Adjacent land uses have changed since the application of M-1 zoning in 1959/1960 to warrant rezoning of the area in question.
3. Potential uses of the B-3 zoning would not impose "undue hardship" on surrounding properties.
4. In addition to the petitioner, the proposed rezoning benefits surrounding land uses because it facilitates future uses that are more compatible with the area.
5. Because the proposed rezoning is in-line with the Comprehensive Plan's designation of the area as Downtown Fringe, the proposed rezoning should not be misconstrued as spot zoning.

Given the above staff conclusions, approval of this request is recommended.

Mr. Espinosa stated that the Commission could either approve the request, deny the request, modify the request to lower zoning classification such as B-2, or table the item.

Chairperson Davis then asked the petitioner for comments. Mr. Beier stated that he feels the requested B-3 zoning better fits with the existing restaurant use of the property and the changes to the area resulting from the interstate bridge project. The B-3 zoning would also give him more flexibility for future additions because the required setbacks are eliminated.

Commissioner Fritz stated that he thought the B-2 zoning district would be a better fit because the B-3 zoning district is relatively unrestrictive for a business zone. The B-3 zone allows uses such as wholesale warehousing and storage which are less retail and commercial oriented.

Commissioner Porter asked about the rationale behind the B-3 zoning district. Mr. Espinosa responded that B-3 district was chosen because the area is designated by the Comprehensive Plan as "Downtown Fringe." This designation recommends a lower intensity of use than the downtown core, and the B-3 zoning district has a height limit of 3 stories or 40 feet in height, thus promoting a lower intensity of use than a B-2 zoning district which allows heights of 6 stories or 75 feet in height.

Commissioner Porter stated he was concerned that B-3 permitted uses such as warehouses and welding shops would not fit in with the surroundings given plans for a pedestrian plaza in the new bridge area.

Commissioner Olson asked if the Commission could add a condition to the rezoning request to limit the height of new development. Mr. Espinosa responded that typically conditions are not added to rezoning requests – typically the zoning district either fits or another zoning district is examined. Mr. Espinosa explained that another reason the B-3 was recommended is that the Commission can modify the request to a B-2 without re-publishing the public hearing notice.

Chairperson Davis stated that it's difficult to decide between the B-2 and B-3 districts because on one hand a 6 story building would not be appropriate, but on the other hand some of the potential uses allowed by the B-3 zoning district are concerning.

Chairperson Davis then asked if anyone else would like to speak for or against the project. There being no one who desired to speak, Chairperson Davis closed the public hearing.

Commissioner Hahn made motion to table the item to allow staff to consult the City Attorney about conditions for the rezoning. The motion was seconded by Commissioner M. Olson. Upon vote, the motion died due to a 4-4 tie and Commissioners decided to deliberate further.

Mr. Espinosa was asked to differentiate between the B-2 and B-3 zoning districts. Mr. Espinosa read off a list of the uses first permitted in the B-3 zoning district that wouldn't be permitted in the B-2 zoning district.

Commissioner Boettcher noted that the property in question may be too small for some of the B-3 uses which include trucking.

Commissioner Fritz made a motion to modify the rezoning request to a B-2 zoning district. The motion was seconded by Commissioner Boettcher. Upon vote, the motion passed 7-1 with Commissioner Porter voting against.

Request for Proposals (RFP) – Development Code Update
Mr. Moeller reviewed the draft RFP for the Development Code Update. Mr. Moeller explained that the RFP is relatively flexible, thus allowing consultants to be more creative in their responses.

Commissioner Fritz asked if the Unified Development Code would have property maintenance and design standards. Mr. Moeller responded that those could be discussed.

Commissioner Porter has a question about funding for the project. Mr. Moeller responded that the intent is to allocate a total of $100,000 to the project - $50,000 in 2015 and $50,000 in 2016. Although the 2016 dollars have not been dedicated yet, the project is being started mid-year and Councilman Thurley is participating on the RFP Advisory Committee to help make sure there aren't any issues with future funding.

Commissioner M. Olson asked if commissioners or others could sit in on meetings of the Advisory Committee. Mr. Espinosa stated that he'd check with the City Attorney.

Next, Commissioner Porter motioned to recommend the RFP to the City Council. The motion was seconded by Commissioner Fritz and passed unanimously.

Other Business – Downtown Narrative Presentation
Alek Warwein introduced herself and went through the downtown narrative document she had produced during her last semester as an intern in the Planning Division. Following a few questions, the Commission thanked Ms. Warwein for the presentation.

Future Action Items
Commissioner Fritz noted that he had received the CIP timeline and a joint City Council/Planning Commission review meeting is scheduled for 45 minutes on August 17th. There was discussion among Commissions that this meeting should be longer, in a larger room, and not be truncated by a Council meeting on that date.

Adjournment
There being no further business to come before the Commission, the meeting was adjourned at 5:30 p.m.

Carlos Espinosa
Assistant City Planner