

PLANNING COMMISSION MINUTES

DATE: August 12, 2013

TIME: 4:30 p.m.

PRESENT: Chairperson Porter, Commissioners Boettcher, Gromek, English, Ballard, Buelow, Davis, and Hahn

ABSENT: Commissioner Olson

STAFF PRESENT: Assistant City Planner, Carlos Espinosa

The meeting was called to order at 4:30 p.m. by Acting Chairperson Gromek. Chairperson Porter entered the meeting shortly after.

Approval of Minutes – July 8, 2013 and July 22, 2013

The minutes for July 8, 2013 were approved without changes upon motion by Commissioner Boettcher and second by Commissioner Davis. The minutes for July 22, 2013 were approved without changes upon motion by Commissioner Hahn and second by Commissioner Boettcher.

520 Center Street – New Site Plan Review

Mr. Espinosa introduced the agenda item and stated that a new site plan had been submitted for a lodging establishment at 520 Center Street. Mr. Espinosa noted that the new plan addresses all of the minor issues noted with the previous plan. In addition, the new plan has redesigned the size of the sleeping areas to measure just under 100 square feet. As a result, the development requires 20 off-street parking spaces within 300 feet per City Code. Mr. Espinosa stated that these parking spaces are proposed to be located at 53 West Mark Street and the applicant has provided a two year lease for the parking spaces. With the updates, Mr. Espinosa stated that the plan meets site planning and zoning requirements, and thus because this is a site plan review, the plan should be approved. As such, staff's recommendation is to approve the project with the condition for a recorded document which states that "the development will meet parking requirements as contained in City Code for as long as the property is used as proposed in the site plan." Mr. Espinosa explained that this verbiage is slightly different than what was presented in the staff report, but it was changed due to advice from the City Attorney. Mr. Espinosa stated that the language essentially means that the building at 520 Center Street could be vacated by the City, if parking is not provided per City Code. Mr. Espinosa stated that in review of the project, the Planning Commission had three options: 1) recommend approval of the plan in accordance with staff's recommendation; 2) add additional conditions to an approval; or 3) table the item for more information.

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Acting Chairperson Porter then asked if anyone representing the developer would like to speak. Cindy Telstad stated that she is the attorney for Bluff City Properties and that as stated in staff's report, the site plan meets the zoning code and site plan requirements. Ms. Telstad stated that she could help answer any questions Commissioners may have about the project.

There being no questions from Commissioners, Chairperson Porter asked if any member of the public who had submitted a letter requesting Planning Commission review would like to speak.

Laura Seaton - 77 E. 10th Street - stated that she submitted the request for review because of parking and noise issues that would be created by allowing this new project. Ms. Seaton stated that she understood the Planning Commission had limited ability to deny the site plan, but maintaining neighborhoods should be a priority for the City.

Gerald Wicka – representing 524 Center Street – stated that the new development will eliminate privacy in the back yard of 524 Center Street. Mr. Wicka also stated that the development will take away curb appeal from 524 Center.

There being no other people who submitted letters wishing to speak, Chairperson Porter asked if there was a motion from Commissioners. Commissioner Gromek motioned to approve the site plan in accordance with staff's recommendation. The motion was seconded by Commissioner English.

Commissioner Gromek asked what happens if the lease for the parking expires. Mr. Espinosa responded that it would depend on the circumstances. Given the lease provided by the applicant ends in December 2014, it's not the City's intent to vacate a property or evict people in the middle of the winter or in the middle of the school year. Mr. Espinosa stated that the City would probably set a date certain for the property to be vacated if parking is not provided. Overall, if parking is not provided, the project is in violation of City Code and something would have to be done.

Commissioner Davis expressed concern about what would happen to the future tenants of the building at 520 Center if the parking lease expires and is not renewed.

Commissioner Boettcher asked if any of the proposed parking at 53 West Mark Street would be subject to alternative side parking. Mr. Espinosa stated that none would be because all of the spaces are on private property.

Commissioner Porter asked if the parking spaces at 53 West Mark Street would be designated and marked for 520 Center Street. Kevin Brady – representing Bluff City Properties LLC – responded that the tenants would be provided with parking passes and the spaces would be marked.

Commissioner Buelow also expressed concern with where the cars would go if the lease for parking at 53 West Mark is not renewed. Mr. Buelow stated he understood the

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property at 520 Center is zoned B-1, but in his opinion the project still goes against the spirit of the 30% rule.

Chairperson Porter asked if the lease for parking is compliant with the intent of the zoning ordinance and if so, where does the City draw the line – would a lease for two months be acceptable? Mr. Espinosa replied that the City Code requires parking to be provided and this proposal satisfies that intent. Concern about the future provision of parking at 53 West Mark Street is why staff is recommending the condition for the recorded document.

Commissioner Gromek asked what the City's legal authority is to vacate the property at 520 Center Street if parking is not provided. In response, Mr. Espinosa stated that he could ask for a legal opinion on this question, and also Chairperson Porter's question about the lease complying with the zoning code.

Commissioner Hahn stated that he has the same concerns as the other Commissioners, and that if parking goes away in the future, we would have to be reactive instead of being proactive ahead of time.

Chairperson Porter and Commissioner Gromek again expressed concerns with potential expiration of the lease for parking spaces.

Cindy Telstad stated that she understands concerns with the lease, and she is not the City Attorney, but in her opinion the site plan meets the requirements of City Code and thus should be approved in accordance with state statutes.

Commissioner Davis stated that she would be more comfortable with the project if there was a guarantee the parking lease would continue.

At this point, Chairperson Porter asked if Commissioner Gromek would like to withdraw his motion in order to table the item and obtain a legal opinion on the Commission's questions. Commissioner Gromek stated that he would like to withdraw his motion.

Next, Commissioner Davis motioned to table the agenda item to the next meeting. The motion was seconded by Commissioner Ballard. Upon vote, the motion passed 7-1 with Commissioner English dissenting.

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