

PLANNING COMMISSION MINUTES

DATE: November 10, 2014

TIME: 4:30 p.m.

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

ABSENT: Commissioner Ballard

STAFF PRESENT: Mark Moeller, City Planner

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

Approval of Minutes – October 13, 2014

The minutes from the Commission's meeting of October 13, 2014 were reviewed and upon motion by Commissioner Fritz and second by Commissioner Buelow were unanimously approved as submitted.

Public Hearing – Rezone Request from Automotive Enterprises, LLC

Chairperson Davis called on the applicant to provide an overview of this request.

Andrew Dahl, representing Automotive Enterprises, LLC, noted that his company is being required to relocate its GMC auto dealership as a result of the new bridge project. Following its consideration of a number of alternatives, the company ultimately acquired the former Cornerstone Community Church property located adjacent to its Toyota Dealership on Highway 61. Following acquisition of the church site in May of this year; Council had approved his company's request to rezone the parcel from R-1 to B-3, for the new dealership. Since that time, his firm has acquired two additional properties located along the westerly side of the site. These properties are currently referenced as 1258 Parkview Avenue and 794 Johnstone Street. Previously owned by the Volkman's and Brendal's, Mr. Dahl indicated that present homes on the site will be razed within a short period of time, while it is the company's desire to rezone them from R-1 to B-3 for future expansion purposes.

At this point, Mr. Dahl presented a revised site plan showing how these properties will be redeveloped in the event that rezoning is approved. Given this plan, the Volkman's site would generally be used for stormwater detention purposes while the approximately easterly half of the Brendal's site would facilitate expanded sales and employee parking. The westerly 50 feet of the site would be devoted to a landscape buffer, required when auto dealership uses abut residential zones. Mr. Dahl indicated that this buffer would generally be located adjacent to and parallel with the present Johnstone Street right-of-

way. Given the previously approved site plan, this buffer is presently located to the east of the Brendal property.

Mr. Dahl indicated that he had both his site construction manager and engineer in attendance this afternoon to answer technical questions that may arise.

In response to a question, Mr. Dahl indicated that the buffer would include a high concentration of evergreen trees. Although most of these would reach full maturity in a number of years, original plantings would be specified in the six foot tall range.

In response to a question, Mr. Dahl noted that the revised site plan shows that two rows of parking would be added outside of the required buffer on the Brendal's site. Of these, the most westerly would facilitate employee parking. Again, given Commission discussion of the original site plan, this was a significant issue to the neighborhood as several residents had expressed concern of employee's parking on residential streets.

At this point, Mr. Dahl fielded a number of questions from Commissioners relative to the need for the additional land as well as how the Dahl dealership campus, as a whole, would function.

In response, Mr. Dahl indicated that although the currently approved site does meet minimum, GMC criteria, it does not allow room for future growth. Proposed rezoning sites would facilitate this growth. Additionally, whereas the proposed rezoning site will be used to accommodate the GMC dealership, the most easterly building on the campus will be modified to serve its Toyota dealership. The middle building, currently used by Toyota, would be used strictly for service and sales of used cars.

Commissioner Buelow noted that the revised site plan does show a pylon sign located on the petitioner's property just northerly of the proposed stormwater detention pond. He asked how this sign could be. Mark Moeller, City Planner noted that at this location, the sign could be a height of 40 feet. Mr. Buelow noted concern with this as it related to the adjoining neighborhood.

Commissioner Porter stated that although Mr. Dahl had indicated he felt the plan was a win-win for the neighborhood, he was having difficulty in defining how the neighborhood would win with it. Mr. Dahl replied that he is doing everything possible to work with neighborhood residents. Additionally, as noted during initial site plan review, his firm will be using LED concepts for lighting outside parking areas. These systems significantly minimize the spillover effect of lighting on to adjacent properties.

Chairperson Davis then called on Mark Moeller, City Planner, to provide a summary of the staff analysis. Mr. Moeller then summarized the analysis as found on Exhibit A of the permanent minutes. In this summary, staff had concluded that:

1. No error or oversight was made in original 1959 zoning of the site.

2. Since original zoning, changes in neighborhood zoning, and land use patterns, have occurred. Mr. Moeller noted that the majority of this transition has been northerly of 61 and easterly of the proposed rezoning site. For the most part, this transition has included changes from various residential to commercial zoning classifications.
3. Approval of the rezoning could open the site to virtually any commercial use. Although all may offer varying degrees of potential neighborhood impacts, the analysis made no firm determination that some of these uses could result in impacts classified as "undue".
4. Consideration of the rezoning site, for an expanded auto dealership site, is not an unreasonable idea. However, in considering "highest and best use", if the use was determined to negatively impact neighboring uses, it may not be best fit for the neighborhood.
5. Although spot zoning is not evident, the Commission will need to address a noted inconsistency between approval of the request and the City's 2007 Comprehensive Plan. Although the plan does reflect commercial and residential use generally meeting at this area, the application of commercial use to the two residential properties would result in an "overlap" of commercial to residential use. Although this inconsistency, does not necessarily mean that the request should be denied, it does require a meaningful discussion as to how the commercial encroachment into the residential neighborhood might impact the stability of the neighborhood. In part, this discussion may result in the identification of certain strategies/requirements that could be used in mitigating noted impacts.

Given the previous, Mr. Moeller explained that a number of options are available to the Commission. Of these, the first could be to recommend approval to Council as submitted. If recommended, staff was suggesting that the request be tied to a modification to exclude the westerly 1 foot strip of land from both parcels. The purpose of this exclusion would be to restrict future vehicular traffic flow between the Johnstone Addition and rezoning site. Again, this action had been applied to the previous zone change request. Additionally, should approval of the request be recommended, it was suggested that the action be tied to a number of conditions, including:

1. Review of modified site/grading plans by Planning Commission.
2. That the site not be accessed directly to Lake Boulevard. This condition would be consistent with previous zone change approvals along Lake Boulevard.
3. Combine all parcels into one.

Other options available to the Commission would be to deny the request (with stated reasons), modify the request, or table the request for further information. Again, he stressed that a recommendation to either approve or deny should be based upon a full consideration of how the rezoning action might influence, or not influence, the stability of the adjoining neighborhood. With this, if following Commission discussion, it feels that potential impacts could reasonably be mitigated through conditions applied to the zone change request, or during future site plan review, it could recommend approval based

upon those factors. On the other hand, if it is felt that neighborhood impacts are unquantifiable, or too significant to reasonably be mitigated, denial is an option.

In concluding, Mr. Moeller reviewed the public notice process used for this hearing. He further noted that the City had received a petition from a total of 18 citizens from the Johnstone area opposing the proposed zone change request. This petition, included in the Commission's permanent minutes, was then read into the record.

At this point, Chairperson Davis opened the public hearing and called for any person who wished to speak to present first their name and address.

Norm Kostuck Jr., 1297 Lakeview Avenue, stated that following his extensive military service, he bought his home in Johnstone Addition. He further noted that although he had opposed the previous zone change request, residents had been told that this was a good thing for the community. However, he felt that all of these comments were a smoke screen to a proposed use that will add significant negative impacts on his residential neighborhood. He noted significant concern of proposed lighting from the development and emphasized that regardless of the style of lights, they will be visible to the immediate neighborhood.

Mr. Kostuck explained that during the previous zone change request, he had talked to Mr. Dahl about it and was unaware that the two properties being considered this afternoon were part of the project. In concluding, he questioned why these parcels were needed to meet GMC land or display area requirements. In short, he felt that permitting the zone change would allow the use to encroach into his residential neighborhood which will result in uncertain noise impacts. He suggested retaining current R-1 zoning of both parcels to provide a buffer between the commercial use and his neighborhood. He also noted concerns with the proposed stormwater detention pond in terms of an attraction to children and mosquito issues. Given the previous, he encouraged the Commission not to support the zone change request in full.

Carol Bell, 787 Johnstone, noted that given the applicants purchase of both properties, she and her husband will transition from looking at previous homes to a potential parking lot. She explained that their home faces directly to the east and is of a raised ranch style. Given this, the upper floor of their home would be easily visible to/from the applicants expanded parking lot.

Mrs. Bell noted that the proposed landscape buffer no longer reflects a berm. She was concerned of this. She concluded by noting significant future concerns with potential parking lot lighting, and traffic noise. She also noted that the proposed stormwater detention pond presents safety issues that could be addressed with an appropriate fence. Although initially proposed, the fence had been removed from the proposal. Generally, she was concerned that the encroachment of the auto dealer use into the Johnstone Addition will significantly impact their property value.

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Sandra Olson, 1308 Parkview Avenue, asked if the City would be able to ensure that commercial traffic would not be permitted through the neighborhood. Mr. Moeller again responded that if any recommendation to approve the request includes the 1 foot exclusion along the west side, the City would have the authority to prevent the free access of vehicles between Johnstone Addition and the applicant's redevelopment site. Ms. Olson then asked Mr. Dahl if he would be willing to reimburse neighbors for decreased property values.

Kathy Schuler, 1289 Lakeview Avenue, stated that the Johnstone Addition is a nice established neighborhood. However, she felt that the rezoning request, as currently presented, would negatively change the character of the neighborhood. Although she did not support the zone change at this time, she suggested that any approval be tied to inclusion of both a fence and a berm located within the 50 foot buffer.

Chris Antoff, 1330 Parkview Avenue, asked for certification as to where the 50 foot buffer would start. Mr. Moeller responded that the buffer would be located 50 feet from the easterly right-of-way line of Johnstone Street. Mrs. Antoff stated that she would like to see both a berm and a fence within the buffer. She also expressed concern that no fence is now proposed around the pond, and of excavation work that had been done adjacent to Lake Boulevard.

Chue Vang, 1256 Parkview Avenue, stated that he lives adjacent to the proposed stormwater detention pond. Mr. Vang referenced his previous occupancy in public housing and noted that his present home is a dream to him. As such, he did not want to see something constructed adjacent to him that would negatively impact that dream. He generally noted concerns with the size of the pond and how it might impact him as well as the fact that trees will grow slowly. He stated that once the Volkman home is removed, he would be exposed incidental noise and lighting from the westerly side of the petitioner's development.

Deanna Stevens, 1265 Lakeview Avenue, noted that although she and her husband had generally supported the previous rezoning, now that she has heard what concerns her other neighbors have, she was beginning to change her mind in that support. She noted that under the previous site plan approval, a fence had been proposed around the pond. As currently proposed this afternoon, it sounded like the fence was no longer going to be constructed. She stated that, based upon the number of children that live in the neighborhood, the lack of a fence around a pond would be a major issue to her. It was also her understanding that the current proposal no longer includes the construction of a berm within the buffer. Given these broken promises, she was suggesting that the request not be approved.

Harley Antoff, 1330 Parkview Avenue, stated that he and his wife had lived in their home for nearly 40 years and that it was his understanding that formal vehicular access between Johnstone Addition and the proposed dealership use would no longer be permitted. He suggested that the buffer include a concept for both a berm and a fence on top of the berm to mitigate visual impacts until trees are fully grown. He also alluded

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to concern of employees who may park in Johnstone Addition. He concluded by asking how many homes the applicant proposes to buy in the neighborhood.

Don Corcoran, 1323 Lakeview Avenue, referenced potential problems with potential snow removal and a concern that a provision for a bike access from Johnstone Addition to Vila Street was not being made.

There being no further comments, the public hearing was closed.

At this point, Chairperson Davis called for a motion from the floor.

Commissioner L. Olson then moved to recommend approval of the request subject to those modifications and conditions as outlined in the staff report.

Upon discussion Commissioner L. Olson felt that the proposed landscape buffer, if it included a berm and an eight foot fence, would reasonably mitigate most of the original concerns that exist. The berm and fence could be certified with site plan approval.

There being a lack of second, the motion died.

Commissioner M. Olson stated that she did not understand how the petitioner was able to acquire and remove homes from the site without approvals. Mr. Moeller responded that although the acquisition and removal of homes was a right of the applicant, he could not modify his site plan until property was rezoned.

Chairperson Davis stated that she was a bit concerned that the issue of purchasing the two homes had not been brought up with the previous zone change request. At this point, it was noted that a response from Mr. Dahl would serve to reopen the public hearing. Given this, the hearing was reopened by Chairperson Davis. Mr. Dahl responded that when the original parcel was rezoned a number of months ago, he was under the impression that the site included more land for redevelopment purposes. However, given stormwater requirements, the size of the pond increased dramatically, thereby resulting in less land to use for display area. Again, although current land area for display meets minimum GMC standards, the reduction in display area does not allow for future growth. With that, his company began focusing on the acquisition of the two properties. This was formalized through purchase agreements in mid-October. He noted that he was flexible on whether or not to construct a fence around the pond.

Norm Kostruck Jr. emphasized that regardless of a fence around the pond, he was personally against the rezoning.

The hearing was again closed by Chairperson Davis.

Commissioner Hahn noted that he was somewhat troubled with the whole process in that when it was initiated, the applicant seemed to make every effort possible to mend fences in addressing neighborhood concerns. Given submittal of the new site plan,

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however, certain mitigating factors agreed to previously (berm and fence around pond) had been removed, although approval of the current request would result in the development being located closer to the neighborhood. In short, he did not feel that the proposal included anything that would benefit the neighborhood.

Commissioner Fritz stated that although he understands the business side of this development, he would like to find a way to encourage the applicant to get what he wants without stripping away residential neighborhood integrity. In part, he suggested that a solution might be to deny the request and encourage the applicant to seek a variance to the 50 foot buffer requirement. Given the most recent site plan, this would add an addition two full rows of parking within the development site. Under this scenario, the buffer requirement might be fulfilled within the Brendal property.

Following further discussion, it was moved by Commissioner Fritz and seconded by Commissioner Hahn to recommend denial of the rezoning request based upon uncertain impacts and inconsistency with the Comprehensive Plan.

Upon discussion, Commission M. Olson suggested that it might be helpful for the County Assessor to attend a meeting to define how approval of the request might impact the neighborhood. It was suggested that this would not be the best course of action.

Commissioner Fritz noted that in part, his motion is based upon the B-3 zoning request which happens to be the City's least restrictive commercial classification. In terms of some potential future use, this zoning classification would make it hard to control what might happen on this site until a site plan is actually submitted. Again, the site plan would follow rezoning.

Commissioner Boettcher suggested that the request be tabled with the intent of asking the applicant to come back with a modified development proposal that more adequately addresses neighborhood concerns.

When the question was called, the vote of the Commission was as follows; ayes: Commissioners Porter, Davis, Hahn, Fritz, Buelow, and M. Olson; nays: Commissioner L. Olson; abstaining: Commissioner Boettcher.

There being no further business to come before the Commission, the meeting was adjourned.



Mark Moeller
City Planner