

## PLANNING COMMISSION

### Minutes

January 18, 2007

#### I. ROLL CALL

Fred Walstrom	Absent
Andrew Bowman	Present
Jack Deegan	Present
Jeff Ford	Absent
Mary Ellen Hughes	Present
Laura Kors	Present
Sheryl McCleery	Present
Peter Sears	Absent
Sara Smith	Present

Also present were City Planner Larry Nix, City Attorney Jim Ramer and City Manager Fred Geuder.

Jack Deegan called the meeting to order at 6:03 p.m.

#### II. MINUTES

Motion by Hughes, seconded by Bowman, to approve the minutes of the December 21, 2006, regular meeting, as presented. Motion carried.

#### III. PUBLIC COMMENT AND CORRESPONDENCE

None.

#### IV. NEW AND OLD BUSINESS

- A. Public Hearing on Proposed Downtown Hotel Plan—Rob Mossburg
  - a. Proposed Re-zoning of TR property to CBD
  - b. Proposed Special Land Use for Hotel
  - c. Proposed PD Overlay District

The City Manager noted that the hearing for the proposed hotel had three concurrent items as a part of the hearing:

1. A Special Land Use request for the Condo-Hotel
2. A request to re-zone the parking lot portion of the existing property from TR to CBD
3. A request for a Planned Development in conjunction with the Special Land Use request to allow a three-story, 39' high structure.

Deegan introduced applicant Rob Mossburg, who reviewed his proposal.

Mossburg noted that the project proposed was for a Condo-Hotel containing 19 units. The building would be three-stories and thirty-nine feet in height on the Main Street portion (roughly the existing structure location) and two-stories and approx. 27' in height on the L-shape portion over the existing parking lot area. Parking would be in an underground garage and there would be a green space on the southeast corner.

The parking lot area is currently zoned TR and the request for this project is to re-zone that area to CBD. Mossburg reviewed the adjacent parcels, including the Graphic Office Building, the home owned by David & Mary Wood, and across Gardner Street the Wallin home and the GAR Building owned by Dr. Ohmart.

The architectural style of the building tries to replicate an old hotel that was on the same site at the beginning of the 20<sup>th</sup> century.

In addition to the 19 Condo-Hotel units (eight of which would have lock-outs), the parking would be underground and there would be an indoor pool/spa on the underground level also.

The first floor would have retail space on Main Street (currently planned as a spa). He also noted the configuration of the lobby, which would potentially have wine/piano bar.

In response to comments he had received, Mossburg noted that the details on the building had been made less "fussy" architecturally.

The entrance to the hotel would be on Main Street (mid-hotel, instead of the corner) which allows a bigger lobby area.

Under CBD zoning, a building can be built with "zero" setback, but the design of the structure has a 3' setback on the west side over the "L" area, and approximately 5' next to the three-story portion. Setting back the building from the west lot lines allowed the design to add some windows to break up the wall. On the three-story portion, Mossburg noted that a revised design is being submitted in response to the written review of the City Planner.

Parking has been provided for 33 spaces in the underground garage, which is the number required for the 19 Condo-Hotel units with 8 lockouts, along with the retail space on Main Street.

Mossburg noted that he would work with the City Manager and Public Works/Electric Department to locate all utilities on site as needed.

Mossburg reviewed his photo montage of the project, showing the green space. He noted that the green space would be used for hotel functions and community events. Mossburg also noted a roof deck over the two-story portion of the project, which while primarily serving the hotel guests, would also be used for functions.

Mossburg reviewed the interior operation, noting the underground parking level with the underground pool.

The first floor level would have rooms on the bay side, and the retail/spa area along with the lobby on the Main Street side. The lobby would also function as a lounge.

The second floor would have hotel rooms and the third floor also would have hotel rooms.

Mossburg again noted the deck over the two-story portion, which would be used for special functions and for hotel guests.

Mossburg noted the three applications that were submitted simultaneously. Mossburg stated that he felt that the standards required for the project had been met.

On the re-zoning request, Mossburg noted the Master Plan, the historic commercial uses, and the logic of combining the two parcels into one contiguous use.

Mossburg noted that he had now submitted the formal request for Contract Zoning, which ties the re-zoning to the project.

Mossburg also noted what he considered to be substantial community benefits in the hotel project, including jobs and property taxes to be paid.

In summarizing the project, Mossburg felt that there was good potential for success. The new project will enhance the site, and he also noted that Cottage Company was not seeking any tax breaks from the City.

The City Manager noted that a number of letters had been received concerning the project. A copy of the letters received will be attached and become a part of the minutes. Copies of all correspondence are distributed to both Planning Commission and City Council members.

Deegan opened the floor for public comment.

Pete Wallin, on behalf of his parents and the Ohmarts (Gardner Street property owners), said that they were not against the project, but did have concerns.

Wallin noted that parking is a concern. He suggested that Gardner Street either have parking eliminated on one side or that it be made one-way. While he recognized that street parking is a City Council issue, he felt the Planning Commission should make a recommendation.

Wallin also noted concerns about the use of the green space and deck, including noise concerns, possible time limits, and parking. Wallin also noted that view for Ohmart is reduced a little, and he noted the concern about the loss of view of the Woods.

Jill Whalen, Fourth Street, voiced a concern over barrier free access for guests, which she noted is often overlooked by people who do not have such issues.

Deegan asked Mossburg to respond.

Mossburg said that building codes require accessibility. The building code does require one barrier-free room, which would be on the first floor. The building does have an elevator for access to all levels. And he noted that in such an operation, often the barrier-free room is the last one rented, in order to keep it available should it be requested.

Tim Patton, Bay Street (two houses west of the proposed hotel) felt that replacing the existing hotel would enhance the community. He also noted that sometimes the loss of some views is overstated.

Mary Wood, who with her husband owns the a home at 263 E. Bay (adjacent to the existing parking lot) and 262 E. Main (the Graphic office building), made several comments.

Mrs. Wood noted that she and her husband were doing an addition to their home and had been required to follow the TR setbacks. She also noted that the house that had been built to the west of hers had also been required to meet those setbacks.

Mrs. Wood said that if she erected a fence, it would be limited in height. But in this case, using a zoning change, the applicant is asking to create a 27' tall building 3' from her property line.

Mrs. Wood noted that while the Master Plan does show potential commercial zoning for this site, she said that over the years, all the properties in the TR district had made improvements as residential uses, not commercial. Mrs. Wood noted the "threat" of placing two condos over the parking lot, but said if that occurred, they would have to follow setbacks also.

Mrs. Wood was concerned over the loss of air, light and views that they had enjoyed for 36 years. She also felt that she and her husband were being placed in the position of having to defend themselves, and said if any of the Commissioners had something like this occurring next door to them, would they do the same?

Mrs. Wood asked the Planning Commission to give equal time and consideration to their concerns. The Commission should represent all taxpayers and they should help protect neighbors.

Mrs. Wood invited Planning Commission and Council members to walk on her property and look at the proposed changes. She noted that she and her husband pay their taxes, follow the rules and maintain their property.

Mrs. Wood asked that they be able to continue to enjoy the quality of life they had for the last 36 years.

Mrs. Wood commented on the wall close to their property line. The three-story area is a fairly blank wall. It should have some modifications.

She also noted her concern over the use of the roof-top deck for functions. She noted that the basic structure was 27' tall, but there was a portion extending beyond that. She acknowledged that activities had taken place on the existing roof deck, but that was more or less behind them, whereas the proposed deck was right next to their property.

Mrs. Wood closed by again inviting Commissioners to walk her property.

With no further comment, Deegan closed the Public Hearing.

#### B. Consideration of Proposed Downtown Hotel Project

The City Manager noted that Commissioner Bowman had submitted a potential conflict of interest question to the City Manager and City Attorney. In accordance with the conflict, Bowman stepped down from the table and would not participate in the discussion.

Deegan noted that there were not enough Commission members present to take any action, and asked whether a special meeting should be called.

The City Manager said that the City Planner Larry Nix should comment, and Nix would also like to hear concerns from the Commission members.

Nix noted that usually he does not put his comments in writing, but in this case referred to the nine-page memo dated January 9, 2007, that he had submitted. He said he would note the hi-lites.

Nix noted that the application was concurrent for three items—the Special Land Use request for the Condo-Hotel, the Re-zoning application, and the PD Overlay District request.

Nix noted that his memo discussed a number of short-comings in the Site Plan. He also noted that he had talked to the applicant's architect, and stated that they were addressing those issues. Nix noted that this is not uncommon with any plan.

Nix did note his questions on whether parking needed to be provided for the areas proposed for use for functions or special events or whether limitations on the number of people or hours should be placed on such events.

Nix noted that the Commission did need to look at the on-street parking issues brought up by Mr. Wallin and as proposed in the plan (Main Street). He suggested the Chief of Police take a look at this.

Nix also commented that signage issues are being reviewed and discussed, but he has not seen a formal proposal. Signage permits are sometimes not a part of the initial site plan review.

Nix said that the large west wall would apparently be modified, but he had not yet reviewed those modifications. Nix also noted that there is no guarantee that the trees on the Wood property would remain, which would change the view when coming on Main Street from the west.

Nix noted that the bank building does not have windows on its east side, but that does not preclude requiring the applicant from dressing up this big wall.

Nix also noted concerns with having a wood-burning fireplace accessible on Main Street; where would wood be stored, for example?

Nix noted that the Commission needed to follow through closely on all aspect of the process, and then asked the Commission members about their concerns.

Laura Kors asked whether the height issue had been resolved. Nix comment that it had been reviewed and resolved. Kors also asked about whether the parking issue had been resolved.

Nix noted that in terms of the hotel units and number of lockouts, the plan met requirements. He did leave open the question about the event and function areas.

Deegan asked about the operation of the hotel. Would the lobby be supervised 24/7?

Mossburg noted that the hotel's registration area would be a sit at a desk location in the lobby, which is consistent with boutique hotels. Mossburg said that while the desk may not be occupied for all 24 hours, the hotel would be staffed 24 hours a day, and staff would be able to respond to guest requests.

The City Manager expressed his concern over the function and event use area, and suggested that the Commission needed to consider this.

Mossburg noted that he felt this was consistent with a hotel use, so he would be concerned about limitations.

Sara Smith asked whether there was a commercial kitchen in the project.

Mossburg said there was no kitchen, so all food would be catered.

Sheryl McCleery asked whether the issue of rooms being available for rent had been answered.

The City Attorney noted that if an owner was not using a unit, it had to be available for rent.

Kors asked whether conditions could be attached.

Nix said that conditions can be attached to Special Land Use approval, and the City Manager noted that the Commission should look at all the issues before sending it on to the Council.

McCleery asked about the west wall, and how high the Graphic Building was/

Mrs. Wood stated that the Graphic Building was 16' tall. She also noted that in addition to the tree-story wall, the two-story "L" had something above it.

Mossburg stated that the height of the pergola and staircase made that part of the "L" about 32' tall.

Deegan then suggested that the Commission look at a date for a special meeting.

The City Manager noted that two dates considered were January 30 or 31, both days when Nix would be available. He also noted that the regular February meeting was scheduled for February 15<sup>th</sup>.

Kors noted that she was not available on the 31<sup>st</sup>.

Motion by Hughes, seconded by Kors, to table consideration of the Hotel plan until a special meeting to be scheduled for Tuesday, January 30<sup>th</sup>, at 6:00 p.m. Motion carried, 6-0.

Deegan called five minute recess.

Bowman resumed his seat at the table.

#### C. Consideration of Proposed Lot Re-configuration—Mark & Nancy Rondel

The City Manager explained that when he had shown this proposal to the Commission on a preliminary basis, he was not aware that there were five existing property descriptions, so the request would not increase the number of properties.

Mark Rondel explained their request. Because the Main Street parcels are long and skinny and the greenhouse property was so small, they were making the request to re-configure. He noted that on the proposed Parcel #5, the house would encroach into proposed Parcel #4. He suggested that they would grant an easement to the encroachment with a provision that if modifications were done to the building it would have to be moved off Parcel #4.

Rondel also noted the driveway easement suggested over proposed Parcel #3, which could be used by Parcels # 4 and 5.

Bowman asked whether Parcels # 4 and 5 have existing driveways off Main Street. Rondel said "yes".

Planner Larry Nix noted that all of the existing parcels are non-conforming lots. He acknowledged that overall the plan made sense, but he was very concerned about worsening the non-conforming setbacks, and in fact creating the encroachment Rondel described.

Nix suggested that perhaps Parcel #3 with the driveway easement could be approved, but to wait on Parcels #4 and 5 until something was ready to occur. Nix also noted there was no guarantee of any variances.

Bowman suggested that perhaps it could be approved with a condition that the split could occur when the house on Parcel #5 was torn down.

Rondel said he wasn't ready to sell yet, but he also wasn't ready to tear down the house.

Bowman also suggested that perhaps it could be approved when the encroachment was eliminated, and if Rondel wanted to he could go ahead with Parcel #3. Bowman was concerned the approval would expire.

The City Manager explained that a lot split was recorded and could be done with conditions, but that the actual split does not occur until deeds are created and the conditions are met.

City Attorney Jim Ramer agreed that Bowman's idea would probably work.

Motion by Bowman, seconded by Smith, to recommend to City Council approval of the proposed lot split plan as presented, with a condition that the split for Parcels #4 and 5 as shown not be approved until such time as the encroachment is removed, and that at the Rondel's option, they could proceed with Parcel #5 (with the driveway easement as shown). Motion carried, 6-0.

D. Consideration of SPR-2007-01—Building Addition, Neithercut Building

Architect Jim Nichols explained that the goal of this plan was to build a toilet for use by the space formerly occupied by the ATM machine, that has now been used as retail space for a couple of years.

Nichols said he had reviewed options with the City Manager and their determination was that 119 sf could be added without trigger additional parking requirements. It would make sense however to put the roof over the other open areas because they are corridors and access to the basement. The plan also shows a proposed drywell to collect water.

Bowman stated that some buildings do have access to corridors that is not really included in any parking calculations.

Nix said that this plan did make good practical sense and he had no objections.

Motion by Hughes, seconded by Bowman, to approve the plan for one-story shed roof over a new toilet and the corridor areas, as shown on the plan dated 01/04/07. Motion carried.

V. MEMBER COMMENTS

None.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:30 p.m.. The next regular meeting is scheduled for Thursday, February 15, 2007, at 6:00 p.m. A special meeting is scheduled for Tuesday, January 30, at 6:00 p.m.

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Frederick W. Geuder, City Manager

Public Comments  
 Hotel  
 1-18-07  
 Planning Commission

12-30	Jim Ellsworth/Mark Olley	10 Sayan Dr.	In Support
1-7	Rob & Emily Dube	597 E. Main	In Support
1-11	Mike & Penny Iserman	368 Church	In Support
1-12	Jim Offield	HS	In Support
1-13	Rick Baker	HS	In Support
1-14	Tim Herbert	Third St.	In Support
1-15	Gow Litzenburger	HS	In Support
1-16	Kim Buntin	HS	In Support
1-16	Neal Marzella	210 E. Main	In Support
1-15	Bob Bokram	HS	In Support
1-12	Tom Graham	198 E. Main	In Support
1-17	Tim Patton	251 E. Bay	In Support
1-17	John Marshall	HS	In Support
1-17	Cecelia Johnston	571 E. Main	In Support
1-17	John Kilborn	Lorenzo's	In Support
1-17	Kate Scollin	Preston Feather	In Support
1-17	Tom Gallagher	HS Excavating	In Support
1-17	Douglas Bacon	249 E. Main	In Support
1-17	David & Mary Wood	263 East Bay	Concerns Noted
1-18	Al Dika/Cynthia Rutherford	301 Easy Street	In Support
1-18	Chris Morley		In Support
1-17	Bill Prall	HS	In Support
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1-18	Dianne & Boo Litzenburger	HS	In Support
1-18	John Smith and family	HS	In Support
1-18	Roger Heimbuch	HS	In Support
1-19	Josh Withey	Withey Painting	In Support