

**PLANNING COMMISSION**

**Minutes *DRAFT***

**March 15, 2007**

**I. ROLL CALL**

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

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

Chairman Fred Walstrom called the meeting to order at 6:05 p.m.

**II. MINUTES**

Walstrom asked commissioners

Planner Larry Nix reviewed several proposed corrections to the minutes that he felt would clarify the actual discussions and intent of the Planning Commission.

Motion by Ford, seconded by Hughes, to approve the minutes of the January 30, 2007, special meeting, with following corrections:

**1. Amend Whereas Clause at the top of page 14 to read as follows:**

WHEREAS, the proposed use will not cause substantial injury to the value of other property in the neighborhood on which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district because the substantial investment to be made in the new hotel and the design of the hotel is consistent with or exceeds other investment in the CBD area and should generally enhance other property values in the area, and the conditions to be imposed by the Planning Commission are designed to reduce any impact to neighboring properties to that which would be reasonable within the downtown, and the structures to be built on the property are no more intrusive from a sideyard setback standpoint than those that are permitted under existing zoning, and because a property owner does not inherently own a right to a view across his neighbor's property.

**2. Amend Conditions of Approval, 4(e), page 15, to read as follows:**

(e) The applicant shall develop a detailed landscape plan for review and approval by the City Manager and City Planner. The City Manager and City Planner shall forward the landscape plan to the Planning Commission for approval.

**3. Amend Conditions of Approval, 4(k), page 16 to read as follows:**

(k) Parameters for the use of the Roof Deck and Lawn Area described in (i) and (j) above shall be reviewed by the Planning Commission on an annual basis. If on such review the Planning Commission finds that the use of the Roof Deck and Lawn Area has created nuisances or unreasonable disturbances in the neighborhood, or that additional restrictions are necessary or advisable for the purposes of health, safety or welfare, the Planning Commission shall have the right to impose new and additional restrictions, including off-site parking requirements, on the use of the Roof Deck and Lawn Area.

Before Chairman Walstrom called for a vote, Kors noted that the proposed corrections simply confirmed what the Planning Commission had determined and decided at the meeting on January 30<sup>th</sup>.

Motion carried, Bowman abstaining.

The Planning Commission also reviewed the public hearing comments from February 15, 2007.

**III. PUBLIC COMMENT AND CORRESPONDENCE**

None.

**IV. NEW AND OLD BUSINESS**

**A. Consideration of Holy Childhood Special Land Use Request—SLU-2007-02**

The City Manager noted that the Planning Commission had received a letter from William Horwath, 180 W. Third, noting further concerns with the proposed plan.

Planner Larry Nix reviewed the comments that had been received at the Public Hearing on February 15<sup>th</sup>, 2007.

Nix also noted the revised Site Plan (dated 3-2-07) that had been submitted to the Commission. This plan which was done correctly to a “40” scale did show the elimination of the middle curb cut on the West Third Street side. Nix also noted the “notes” on the Site Plan concerning lighting and landscaping.

Nix further noted that he had had a chance to review the new letter from Mr. Horwath.

Nix noted the suggestion to move the north side entrance to the east side, in order to move potential noise problems to the east parking lot side; Nix noted that the same situation may exist at the south entrance.

Nix noted that four options might be available to address this issue:

- a. Do nothing; leave the plan as presented.
- b. Move the north entrance to the east side, but noted that this change would have ramifications on the architecture and traffic flows and parking.
- c. Add a solid wall to the north side of the covered drive-thru entry, as a sound barrier.
- d. Add a partial wall, with lattice and plantings, to the north side of the covered drive-thru entry, to serve as the sound barrier.

Walstrom asked whether landscaping that was earlier suggested for approval on the north side would help.

Nix noted that if that landscaping was only four feet high, it would probably not serve that purpose; a combination of solutions might work best.

Fred Hackl, architect for the project, did not have anything to add, but suggested that moving the entrance to the east side created a number of issues.

Bowman noted that there are no windows on the north side of the proposed Parish Hall, and that there were two sets of doors (an airlock vestibule), both of which should limit sound on the north end of the building. Bowman asked whether additional sound deadening could be accomplished by the construction materials. Bowman also noted that he lived directly across from the old Parish Hall, and was very close to the former south entrance. He noted that neither entrance on the old Parish Hall had the air-lock configuration.

Hackl noted that on each side of the entry were the storage rooms, which should also serve as a sound barrier.

Hughes noted that the building would be air-conditioned, which the previous Parish Hall was not, so there would be less need to go outside.

William Horwath commented that the front entrance to the building is considerably closer to the front door of his home, and the concern is still that smokers will congregate outside.

The City Manager reviewed a set of possible conditions that could be included as part of a Special Land Use approval. One condition would be to include a provision that alcoholic beverages not be permitted outside of the building (and be posted). He suggested that a similar condition be applied to smoking on the north side of the building at least.

The capacity of the proposed Parish Hall was discussed. Hackl noted that the floor space and capacity (about 300) are about the same as the old Parish Hall.

Hackl also noted that Father Joe and the parish did not want to see smoking at the building, at the building, so they did not really want to designate a smoking area, although a smoking area adjacent to the south entrance is shown on the site plan..

The City Manager noted that the reality is that there will be smoking, and if it is not permitted inside, the church has a responsibility to monitor the outside activities so as not to be a nuisance to the neighbors.

The Commission also discussed the possibility of setting hours of use for the Parish Hall. Ford asked the City Manager if the City had had trouble with Little Harbor Club.

The City Manager noted that a number of years previously, when the Little Harbor Club had outdoor music, the City and Police Department had worked with the Club to lessen noise levels after 10:00 or 11:00 in the evening. Over the last several years, however, all of the events had occurred inside of the building, and the City Manager said he was not aware of any noise complaints.

Bowman noted that the City's efforts to regulate hours elsewhere had been because of outdoor activities.

The consensus of the Commission was that no restrictions on hours of use should be set at this time.

Kors asked why this was before the Planning Commission.

The City Manager said that because the new buildings constituted a major change in the Site Plan, Planning Commission approval was necessary. And even though the actual uses of the new facility were not different from the previous uses by the church, the uses are by definition a Special Land Use. With a Special Land Use, the Planning Commission may attach conditions to approval.

Horwath also noted his concerns about the demolition of the building occurring in July, which had been stated at the public hearing.

Hackl noted that the actual demolition would not occur before the end of July.

After discussion by the Commission, the consensus was that the church should wait until at least mid-August to begin demolition.

Motion by Kors, seconded by Bowman, to approve SLU-2007-02, the Holy Childhood Church building proposal per the revised Site Plan dated March 2, 2007 and various Drawings submitted for the February 15, 2007 meeting, noting that the proposal meets the standards for a Special Land Use as outlined in Section 50.2100 of the City's Zoning Code, and with the following conditions:

1. That the applicant eliminate the middle curb cut as shown on the Site Plan dated March 2, 2007, prior to the occupancy of the new parish hall;
2. That the applicant shall submit final Landscaping Plans for review and approval by the Planning Commission and in consideration of the noise concerns voiced to the Planning Commission, and shall then complete installation of said approved plans, prior to the occupancy or use of the new parish hall;
3. That the applicant shall review final utility plans with the City Manager and City Engineer for final approval at the City's discretion;
4. That the applicant shall match existing exterior lighting as stated on the site plan dated march 2, 2007, provided however that, after installation, if the City Manager or City Planner find that the lighting is too harsh, out of character with surrounding land uses or otherwise not consistent with the intent of this Special Land Use approval, the City Manager shall order the applicant to replace or reconfigure the lighting fixtures.

5. That the applicant shall prohibit consumption of alcoholic beverages outside of any parish building (and post such restrictions in the Parish Hall) and shall further prohibit smoking outside of the north entrance to the Parish Hall (and post such restrictions at that location);
6. That restrictions and conditions on the applicant's use of the Parish Hall be subject to an annual review by the Planning Commission beginning one year after occupancy and use of the Parish Hall commences. If on such review the Planning Commission finds that the use of the Parish Hall has created nuisances or unreasonable disturbances in the neighborhood, or that additional restrictions are necessary or advisable for the purposes of health, safety or welfare, the Planning Commission shall have the right to impose new and additional restrictions, including the settings of limitations as to the hours of use, on the Parish Hall;
7. That the applicant complies with all representations made to the Planning Commission at the Public Hearing on February 15, 2007 and at the meeting of the Planning Commission dated March 15, 2007;
8. That approval to construct the buildings as presented are subject to the applicant receiving a variance for height for the church addition and for the roof height of the parish hall (it is understood that if the applicant does not receive a height variance(s), the applicant may re-design the building to meet the ordinance and not be required to return to the Planning Commission;
9. That the applicant shall not begin the demolition of the convent and old school building until mid-August (the 15<sup>th</sup>) or thereafter.

Ayes: Kors, Smith, Walstrom, Bowman, Ford, Hughes

Nays: None

Absent: Deegan, McCleery, Sears

Motion carried, 6-0, the Special Land Use is adopted.

#### V. MEMBER COMMENTS

None.

#### VI. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:00 p.m.. The next regular meeting is scheduled for Thursday, April 19, 2007, at 6:00 p.m.

---

Frederick W. Geuder, City Manager