

PLANNING COMMISSION

Minutes

September 20, 2007

I. ROLL CALL

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

Motion by Kors, seconded by McCleery, to approve the minutes of the July 19, 2007, regular meeting, with the following correction: in the second paragraph of Page 3, change the word “leaving” to “living”. Motion carried.

III. PUBLIC COMMENT AND CORRESPONDENCE

None.

IV. NEW AND OLD BUSINESS

A. Public Hearing on Proposed Zoning Change—111 W. Bay—The Depot—from CBD to TR (Partial)

The City Manager noted that the site plan as proposed by the prospective purchaser of the Depot at 111 W. Main, would require that a portion of the zoning of the property be changed to TR from CBD. The first part of the discussion on this issue was a public hearing.

Dave Bolger, the prospective purchaser, introduced his wife Maribeth and two sons, and then played a power point presentation.

The proposed use of the Depot would be a combination of a beauty salon and residence. In order to use a portion of the first floor as a residence, the zoning would need to be changed to TR.

The Bolgers stated they wanted to be good stewards of this building, but they did note that the building has aged and is now very poor structurally. They said they would try to preserve as many

components of the building as possible for re-use, but they would effectively dismantle the building.

Because the current first floor level sits at the ground level, the building elevation would have to be raised (amount not specified). This would be accomplished by putting in a whole new foundation, with drainage tiles surrounding the building. An easement from the City would be requested in order to connect to the storm sewer.

The proposed plan would include a garage for parking for the residence, and the plan shows the garage door facing west. An easement for two parking spaces would be requested from the City, and the developer volunteered to close the opening between the Walstrom parking lot and the City's lot, thereby regaining the spaces. The two spaces in front of the garage would be available for use of salon customers.

The developer stated that this was a solution benefiting three parties—the developer, the City and Walstrom's.

While the proposed plan calls for changes in zoning, the alternatives might be more intensive uses proposed for the property, or the building might simply be replaced.

The developer feels that re-zoning a portion of the building to TR is consistent with the housing adjacent to the park to the northwest, and offers a creative solution in a plan to preserve the character of the building, if not the building itself.

The City Manager noted that two letters had been received concerning the project:

1. The Trillium Group (Craig Bell) stating that Mr. Bolger is authorized to submit an application.
2. Julia & William Bugera—in support of the proposed re-zoning.

There was no other public comment.

The public hearing was closed.

B. Consideration of Recommendation on the Proposed Re-zoning

Planner Larry Nix reviewed the request.

Nix stated that the subject property in its entirety, the Depot at 111 W. Bay, is only 4,754 sf, or .11 acres in size. It is roughly 90 x 63, but irregularly shaped. The property is currently zoned CBD, but was zoned to that in about 1996, and although the prior zoning had been WF-Waterfront, the use has been retail for a long time.

The current CBD zoning permits a variety of offices, retail and personal service establishments, as well as living units above the first floor, and there are a variety of Special Land Uses permitted. The CBD has no minimum lot size, and because the CBD permits zero setbacks, the building is in conformance.

The proposed rezoning is asking that roughly the easterly 1/3 of the parcel remain CBD and the westerly 2/3 become TR-Transitional Residential. Permitted uses in the TR district include single or two family residential uses (subject to R-2 requirements, including setbacks) and limited other non-residential uses, including parking lots. The TR district is generally intended to be transitional from commercial to residential areas.

The Master Plan, which was just updated in 2007, shows this lot to be CBD in nature.

Nix said he generally reviews a number of questions to see whether a parcel should be rezoned. His observations on this parcel include:

1. Can the property be used as presently zoned? YES, and it historically has been.
2. Is the existing zoning consistent with the City Master Plan? YES, it is consistent.
3. Is the existing zoning reasonable given its location and surrounding uses? YES, the property is adjacent to Bay Street, a busy thoroughfare along the City waterfront, and is surrounded by parking (public and private). There are other commercial uses immediately adjacent and across the street. Across the street northwest of the property is a single family house on a property zoned TR.

The proposed zoning creates a non-conforming situation in terms of setbacks, and would likely require a number of variances to accommodate the proposed single family use.

The current CBD zoning does promote residential uses on the second floor (or third floor of existing buildings that have third floors), but reserves the ground floor for the intended uses of the district—commercial.

The Depot Building does have a second floor living space that was added in conformance with the CBD regulations.

Nix stated that he is uncomfortable with recommending the rezoning and suggested that the Planning Commission consider denial of the request for the following reasons:

1. The property can be used as presently zoned.
2. The property is zoned consistent with the City Master Plan.
3. The Master Plan and CBD zoning is reasonable for the area.
4. The proposed zoning creates a non-conforming situation.
5. The existing zoning promotes residential use consistent with the present configuration of the Depot building.

6. The request splits a small parcel of property and existing building complicating zoning administration and establishing a unique situation for a parcel that can be used as zoned.

Walstrom opened the discussion up to the Commission.

Bowman asked if the residential use could be done by contract. Nix commented that a contract was not really applicable because the use is not an allowed use. You could amend the code to permit the use, but that would be applicable for all CBD properties.

In response to a question, Nix said it was very rare to ever split a building into two separate zoning districts, and in fact in over thirty years, he had never seen that done. Would doing it here be a bad precedent?

David Bolger, the applicant, stated that there is no other CBD zoned property on this side of Bay Street, and suggested that with the physical condition of the building this could be a way to rectify the situation. Other requests may not have this uniqueness.

McCleery stated that she had received a letter from one of the building owners (others had not received the letter) saying that the building is not protected from demolition and asked whether this was a way to save it.

Nix commented that while he was not directly addressing the site plan, the building would be essentially dismantled and rebuilt from the ground up. Elements of the building and its character may be preserved, but it would be a new building.

Bolger said that their initial intention was to save the building, but that the poor condition of the structure forced them to look at the proposal submitted. The structure is to be simply restored.

Fred Walstrom commented that the parking spaces south of the Depot on the City's lot actually belong to Walstrom's and he was not in favor of closing the entrance.

Kors said she was trying to grasp the many steps required to make this a reality, which would include asking the City Council to approve a zoning change, with a Planning Commission recommendation; having the Planning Commission review a site plan; and then requesting perhaps multiple variances from the Zoning Board of Appeals.

Kors also noted that the applicant was asking for a driveway from the City.

The City Manager noted that he would not necessarily recommend an easement over a City parking lot.

In response to a question, Nix said that splitting the zoning on a lot was a very good question to ask “is it a good idea?”

Bowman asked whether or not the TR district uses could be modified to include the Beauty Salon use. The City Manager commented that the TR district does permit home occupations, but that with multiple employees, the proposal does not fit that classification. The City Planner could look at that question.

Sears noted that the west end might be appropriate for residential use.

Bowman noted that he had seen the “dismantling” of the building noted in the application. Depending on how it was rebuilt, would the character be changed?

Sears suggested that perhaps consideration be tabled, in order to give the Commission time to think about the request.

Pringle Pfeifer noted that a good portion of Holy Childhood Church was removed and then rebuilt to look very similar to what it did. She suggested that perhaps that could occur in this case.

Maribeth Bolger stated that she and her husband were concerned about preserving the character of the building.

Bowman suggested that if the building were rebuilt as proposed, the required investment to change it again would be enormous.

Motion by Sears, seconded by Bowman, to table consideration of a zoning recommendation. Motion carried.

The Commission did not consider the site plan.

The Commission took a five minute recess.

C. Consideration of SPR-2007-06, Building Plan Amendment, 137 East Bay, Smith Building

Bob Michels appeared on behalf of Margie Smith to request remodeling of the building at 137 East Bay. The remodeling plan would include:

1. Additional living space for the second floor living unit.
2. The addition of an elevator to access the second floor and roof deck.
3. A one-car garage facing and accessing Bay Street. The front wall of the existing first floor would be moved back in order to have better vision for a vehicle backing out.
4. Additional retail space on the west side to the property line would be offset by reduced floor space taken up by the garage.
5. Architectural details would be added on the south and west sides.

Planner Larry Nix reviewed the plan and noted that one parking space may or may not be lost on the street. Nix noted that the applicant should provide landscaping on the west side of the building to replace the mature, overgrown landscaping that will be lost to the addition.

Motion by Bowman, seconded by Hughes, to approve SPR-2007-06, as presented, with a condition that a landscape plan be submitted to the City Manager for approval. Motion carried, 7-0.

V. Member Comments

None.

VI. Adjournment

There being no further business, the meeting was adjourned at 7:35 p.m. The next regular meeting is scheduled for October 18, 2007.

Frederick W. Geuder, City Manager