

PLANNING COMMISSION

Minutes

November 18, 2004

I. ROLL CALL

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

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

The meeting was called to order by Chairman Fred Walstrom at 6:30 p.m.

II. MINUTES

Motion by Pfeifer, seconded by Sears, to approve the minutes of the October 21, 2004, meeting, with the following correction: on Page 3, in IV. B, paragraph five, the "in" should be change to "is" in the second line. Motion carried.

III. PUBLIC COMMENT AND CORRESPONDENCE

None.

IV. NEW AND OLD BUSINESS

A. Public Hearing on and Consideration of Proposed SLU-2004-05, Two-Story Accessory Building, Fred Simons, 435 Maple Street

The City Manager noted that a public hearing is required for a two-story accessory building.

Fred Simons said that his proposed accessory building will be a garage and story, and that he has no plans to occupy it as habitable space. The cost of running utilities, particularly sewer service, is too high. Simons noted that he has received a permit from the DEQ to construct this building in the flood plain.

No public comment was received. The Public Hearing was closed.

The City Manager noted that Simons' notes stated that the footprint of the garage would 79% of the footprint of the principal building, which would be in excess of the standard. However the City Manager calculated the percentage and found it to be 62%, without even including the deck, making it well within the standard of not to exceed 75% of the footprint of the principal building.

Planner Larry Nix noted that Simons had addressed all of the Special Land Use standards, and noted that the architectural character of the building does conform to the principal building. He recommended approval of the plan.

Simons noted that building will be sided identically to the main house, with the same type of windows.

Smith asked whether the feature over the garage door was an overhang or just an architectural feature. Simons said it was simply an eave type feature. Simons also noted in response to a question that the floor in the garage will be slightly sloped so that normal rainwater does not go into the garage.

Motion by McCleery, seconded by Smith, to approve SLU-2004-05, a two-story accessory building at 435 Maple, with a condition that the building not be used as habitable space. Motion carried, 7-0.

B. Consideration of a Proposed Lot Split for Robert Lewis, 442 W. Third

The City Manager noted that Mr. Lewis (in attendance) own a parcel that was two lots in the Southard & Crandall plat. The house sits on Lot 6, and there is a garage on Lot 7. The City Manager recommended that if a Lot Split were approved, it should be with a condition that the garage be removed.

Planner Larry Nix noted that with a double lot in this area two homes could be build that are not out of character in the neighborhood. Building one house on the two platted lots could result in having a large house that may be out of character in this neighborhood. He also noted that the lot size complements the lot sizes approved for the Mossburg project across the street. Nix recommended approval of the request.

Pfeifer was concerned about whether any variances would be needed.

Dennis Wiggins, who is purchasing the parcel from Mr. Lewis, said setbacks would not be a problem on Lot 7, but may be an issue on Lot 6 (the corner lot). Their plan is to start with Lot 7, and then look at Lot 6 after.

Bowman noted that many of these lots seem larger, because the road right-of-way is 66' wide, and the road itself is only about 22' wide, so if all setbacks are legal, the homes sit back quite a distance. He also noted that garages can come off of the alley, which makes it easier to place the house.

Pfeifer again noted that the person should know what they are buying, since they are requesting the split. She suggested that a condition of the split be that no variances be requested.

Motion by McCleery, seconded by Hughes, to recommend approval of the lot split as presented. Motion carried.

C. Consideration of SPR-2004-07, Michael Czerkie, for property at 643 East Lake (Harbor Floral Property)

The City Manager noted that this proposal had gone to the Zoning Board of Appeals on November 10th, for consideration of setback variances, and been approved.

Michael Czerkie, the owner of the property, said he had purchased the building several months ago. The current commercial tenant, Harbor Floral, does not need to use all of the space they are currently occupying. He is planning to convert the east of the first floor into office space.

The purpose of the remodeling is to create two distinct front entrances (both of which would have an angled entry), while making the building more attractive and more residential in character (by adding the porch). The plan also adds second floor space to the apartment use, and moves the kitchen area of the first floor to the second floor.

Czerkie pointed out that a bathroom on the first floor would be shared by both tenants.

Planner Larry Nix pointed out that the plan continues to save two old, large trees. He did note that exterior lighting changes were not shown, and the sign would also require separate approval. He also noted that the applicant will be screening an existing dumpster.

Pfeifer asked why a variance was needed here, and asked if the Planning Commission could override the variance.

Nix stated that neither the Planning Commission nor City Council can override a variance, only a court can.

It was suggested that perhaps the lighting and signage issues could be handled administratively.

Walstrom noted that the building should look better overall with these improvements.

Motion by Walstrom, seconded by Smith, to approve SPR-2004-07, with a condition that lighting and signage improvements be brought back to the City Manager for administrative approval. Motion carried, 7-0.

D. Zoning Code Changes

The City Manager noted that the amendment to the Accessory Buildings regulations—the 21-day rule—will be scheduled for public hearing at the December 16th meeting.

City Attorney Jim Ramer reviewed a draft of an ordinance to define and regulate building into the bluff.

Essentially the proposed ordinance would define a restricted area where building could not occur, that being where the slope is 18.5 degrees or 33%, or a 1:3 slope. Within 20' of that restricted area, either on top or bottom of the bluff, would be a regulated area, where any construction would have to be reviewed by the Planning Commission. Depending on limited slopes within the regulated area, an engineer's statement of a safe plan would also be needed.

Ramer also pointed out that tree removal or trimming may require some type of approval.

Bowman stated that it is difficult to regulate tree trimming, because it is hard to find a standard that is agreeable to everyone, even among experts.

Ford noted that there needs to be a process which would permit the repair of existing retaining walls, in order to protect the investment in the property that already exists.

The Commission members discussed whether or how tree trimming should be regulated. Vegetation protects the bluff, but views are important. Topping may damage trees, but if there are too many "volunteer" trees they will eventually inhibit the view.

It was a general consensus that some type of "regulated" area should be established, along with a "restricted" area.

The City Manager suggested that the City should be willing to have Benchmark Engineering mark the properties when a request is initiated. Using the City's engineering firm would provide a consistent standard when this is in play.

Ramer suggested that this might also need to be incorporated into the City Code to prevent the ability to obtain variances in the restricted areas. Ramer also noted that Forest Beach has a trimming policy that might be appropriated, but said he would look into how that section could be worded.

This issue was tabled pending revised wording being presented. The City Manager will proceed with the hearing for the Accessory Building amendment.

E. ZBA Training Session

The City Manager announced that Planner Larry Nix would be doing a training session for the ZBA on Wednesday, December 15th, the day preceding the regular Planning Commission meeting. Planning Commission members are invited. This would be a good opportunity to learn the relationship of the Zoning Code to variance requests, and would be helpful for Planning Commission members as well as the ZBA. The City Manager also suggested that a follow-up to this meeting should be a joint meeting with the ZBA and the Planning Commission.

Pfeifer said she felt it was important for as many Planning Commission members to attend as is possible.

The City Manager said a notice would be sent to the PC members.

V. MEMBER COMMENTS

None.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned. The next meeting is scheduled for Thursday, December 16, 2004.

Frederick W. Geuder, City Manager