



**CITY OF ST. PETERSBURG
COMMUNITY PLANNING & PRESERVATION COMMISSION
PUBLIC HEARING**

**Council Chambers, City Hall
175 – 5th Street North
St. Petersburg, Florida 33701**

**April 11, 2023
Tuesday
2:00 P.M.**

MINUTES

Present: Lisa Wannemacher, Chair
Robert “Bob” Jeffrey, Vice-Chair
Ashley Marbet
Manita Moultrie
Will Michaels, Alternate
Michael Huston, Alternate

Commissioners Absent: Cassie Gardner
Joseph Magnello

Staff Present: Derek Kilborn, Manager, Urban Planning & Historic Preservation
Britton, Wilson, Planner II
Kelly Perkins, Historic Preservationist II
Heather Judd, Assistant City Attorney
Michael Dema, Assistant City Attorney
Katherine Connell, Clerk, Planning & Development Svcs.
Iris Winn, Clerk, Planning & Development Svcs.

The public hearing was called to order at 2:00 p.m., a quorum was present.

I. OPENING REMARKS OF CHAIR

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE AND SWEARING IN OF WITNESSES

IV. MINUTES (Approval of 3/14/2023 Minutes)

The minutes from the March 14, 2023, meeting were approved unanimously

V. PUBLIC COMMENTS

1. Warren Marshbourne, 104 17th Avenue South, Bradenton, Florida, gave a presentation for a USF class project regarding Cost Estimate Accountability in St. Petersburg.
2. Antoine Ascanio, 200 6th Avenue South, gave a presentation for a USF class project regarding Cost Estimate Accountability in St. Petersburg.
3. Kristion Jackson, 200 6th Avenue South, gave a presentation for a USF class project regarding Cost Estimate Accountability in St. Petersburg.

VI. LEGISLATIVE

1. City File LDR 2022-06

Derek Kilborn 893-7872

Request:

Approval of a text amendment to Land Development Regulation Section 16.30.020.4 Adaptive Reuse to add a drive-thru as a permitted use where the original structure was part of an auto-centered use.

City Staff Presentation (13:53):

Derek Kilborn gave a presentation based on the Staff Report.

Commissioner Wannemacher: Any other questions? Yes, Commissioner.

Commissioner Jeffrey: Derek, first of all, let me say, I really appreciate seeing the process of adaptive reuse, which we are going to go to later. A very creative way for a solution here. One of the things that I was a little concerned about when I first read the report was the ‘allowed by right’, the use of the drive-thru. Can you just again go over those criteria that doesn’t just open this up to any other gas station immediately? Because I can think of many in the Grand Central and 4th Street and ML King that would probably like to use this.

Derek Kilborn: Okay. Just to clarify, so it wouldn’t be ‘by right’ in the sense that any adaptive reuse request has to come through this Commission for site plan review and approval. That is a public hearing review. Staff does not have the option to simply approve it at the permitting stage. It would come through the Commission. In addition to that, the adaptive reuse section doesn’t have very specific review criteria for how to analyze request and what the potential impacts might be to surrounding properties. In this particular case, in the early discussion, what we ask the applicant to provide in their materials for your consideration were responses to each of the criteria that we normally use for a special exception review. Although it’s not articulated in the Code, in this example, the applicant did provide responses to the special exception criteria that we would normally use in a DRC review when they have a drive-thru application over there. We thought that those answers would be very helpful to your analysis of the application, and it was provided.

Commissioner Jeffrey: Thank you.

Commissioner Huston: One follow-up.

Commissioner Wannemacher: Yes, please, go ahead.

Commissioner Huston: Following that logic, so, if this was approved and there's another building comes down the road that is designated historic, would we be able to reject – outright – the use of a drive-thru, and it would just be site plan review at that point? Or do we have the discretion to say 'no, a drive-thru is not appropriate here?'

Derek Kilborn: You would be able to reject the drive-thru, if based on your analysis you felt that there were peripheral impacts on surrounding properties that could not be properly mitigated and based on that determination, then you could vote to deny the request for the drive-thru as part of that future adaptive reuse application.

Commissioner Huston: Thanks.

Derek Kilborn: Okay.

Commissioner Wannemacher: Thank you. Does the Owner or the Agent wish to speak about this text amendment?

Jessica Icerman (Agent): Good afternoon. Yes, my name is Jessica Icerman. I am the agent of record for the Applicants. I am an attorney with Stearns, Weaver, Miller, and my address is 401 East Jackson Street, Tampa. I do want to point out, just a point of clarification, Derek, I looked at the Staff report and I did not see the drive-thru justification as part of the Staff report. If it's possible, I would like to submit that into the record. I apologize, I did not bring copies, but basically, what Derek alluded to in answering your question was, there is a list of, I believe it's 17 criteria if someone was trying to apply for a special exception use for a drive-thru. He asked us to respond to those criteria and so we did. Even though the adaptive reuse process does not require that, we wanted to cooperate with the City as much as possible.

Agent Presentation (27:22):

Jessica Icerman, Agent for owners Carolee, and Robert Blackmon, gave a presentation based on the Staff Report.

Commissioner Wannemacher: Thank you very much for making a complicated application much more clear. I appreciate it. We all appreciate it. Does anybody have any questions for the Owner or Applicant at this point? If not, then we can move into public hearing. Is there anybody that wishes to speak about this topic? I've got some cards here. If you wish to speak, please fill out a card up front and you'll have three (3) minutes. Alright, so I'll go ahead and call the first person. Please remember to state your name and your address and you have three minutes. First person, please, is Manny Leto.

Public Comment (33:28):

1. Manny Leto, 3302 Northridge Avenue, Tampa, Florida, spoke in support of the proposed text amendments.
2. Nathaniel Jay, 2400 Highland Street South, spoke in support of the proposed text amendments.
3. Jim Blackmon, 4710 Bay Street Northeast, spoke in support of the proposed text amendments.
4. Sarah-Jane Vatelot, 2420 5th Street South, spoke in support of the proposed text amendments.
5. James W. Warren, 2340 Highland Street South, spoke in support of the proposed text amendments.
6. Celeste Davis, 2651 Bayside Drive South, spoke in opposition of the proposed text amendments.
7. Melissa Rutland, 200 Central Avenue, spoke in support of the proposed text amendments.

Comments Following Public Comment Portion: (50:07)

Commissioner Wannemacher: Thank you very much. Thank you to Ms. Rutland for making the point that she was speaking for all three (3) items today. I understand probably that most of you who spoke on this first item, if you are in favor, you are also in favor of the second item and the third item. Meaning that you don't necessarily need to come back up and speak on the second and third item unless you have something new to add or participate. I'm just letting you know. Thank you very much for all of your public comments. Are there any questions or commentary from the Commissioners for anybody who spoke today?

Commissioner Michaels: Could the Applicant and/or Staff speak to the concern that was expressed about the traffic impact?

Derek Kilborn: I'll go first and then if the Applicant has something to add. Thomas Whalen is the Transportation Engineer from the City's Transportation and Parking Management Department. Tom Whalen was involved in the review of this application for several reasons. First and primarily, he was involved because there were concerns, when we get to the site plan later, about the egress lane leaving the drive-thru and reconnecting to the avenue.

But as part of his review, of course, he looks at transportation as well. In this particular case, he did not identify any unique concern related to traffic that would be generated by the proposed use, and so we do not have a detailed analysis included here. Typically, that would not be provided unless there was some immediate or unique concern, in which case then they would do an additional enhanced review and they did not see one here, so one was not included.

Commissioner Michaels: Thank you.

Commissioner Wannemacher: Does the Owner or Applicant have anything that they would like to add, specifically concerning the traffic/noise generation?

Robert Blackmon (Co-owner of the property): As far as the traffic concerns go, the structure is 320 square-feet, three (3) blocks to the south, you have 330-units going in. There are more new units being built within five (5) blocks of the location then there are square footage in the building. It's not going to be a high-traffic business. There already is commercial in the direct area. Two (2) blocks to the north, there is a gas station right now. To the east side of the street, there is the south side food mart. It is about a block away.

It is currently operating as a commercial structure on the other side of the street. I know Bayside Drive was mentioned, specifically, that street is on the east side of 4th Street, so there is no concerns in our mind a street on the other side of 4th Street would be impacted with traffic on such small location. And it is going to be café, so it would be limited hours, certainly, but we have so many units going in...it is a very small site.

Cross Examination:

City Staff and Applicant waived.

Rebuttal/Closing Remarks:

City Staff and Applicant waived.

Executive Session (53:49):

Commissioner Wannemacher: Thank you. If there is no more public comment, we can open it up to Executive Session. Who would like to start?

Commissioner Michaels: I have lived on the south side of St. Pete for a good fifty years and have traveled up and down 4th Street, past the Standard Oil Service Station, built in 1926 I now understand zillions of times. I think I did it three (3) times today. It is something that will add to the quality life for a lot of us, whether we have lived there a long time or whether we are newcomers to south St. Pete. I think we use the term 'sense of place' in historic preservation and that relates to the neighborhoods where we live and the neighborhoods nearby.

This was certainly a feature, along with...I am trying to think of some of the other quality of life 'sense of place' places there. The Chattaway, I think would certainly be up there towards the top of the list. And certainly, the Driftwood neighborhood is totally historic history-wise as well as landmark-wise. There is a saying about the best gifts are sometimes in small packages. I think that this is a gift to St. Pete in a small package, which is going to have a big effect on the quality of life for all of us in that part of the neighborhood. That is my piece here and it applies all three of the applications that we have before us, and I would move approval of the proposed text amendment in keeping with the Staff's recommendation.

Commissioner Wannemacher: Well said. Thank you very much. Any other Commissioners like to speak, or we can go ahead and get a second. As a reminder, we are recommending approval to City Council for this item.

Commissioner Moultrie: Good afternoon. I live in South St. Pete, pass this area quite frequent and I am happy to see some changes in that area as well. I do have a question. What happens if this is such a popular spot and we end up with traffic and lines of cars trying to get into the small drive-thru and when we end up with traffic backup on 4th Street, has that been considered or how is that being handled?

Attorney Dema: Chair - if I may?

Commissioner Wannemacher: Yes, please.

Attorney Dema: That is really site plan specific. I think that will be when we do the adaptive reuse item. I just kind of want to redirect the Commissions' attention to the text amendment that is the subject of this first one.

Commissioner Wannemacher: Right.

Attorney Dema: And then we will get into some of the more nuts and bolts of site planning on that third item.

Commissioner Wannemacher: And again, first is text amendment. We are just recommending to City Council for their view and final approval.

Attorney Dema: You are making a finding of consistency with the Comprehensive Plan.

Commissioner Wannemacher: Thank you. We've got a motion on the table to move this text amendment forward to City Council. Is there a second?

Commissioner Marbet: Second.

Commissioner Wannemacher: Thank you. Any other comments or discussion?

Commissioner Jeffrey: If I could just say one thing. I think we need to keep important as a Commission here is that this is not about this project. This is about any other project that may come forward. I just think that Staff has done an incredible job of actually crafting something here that protects this from going further than it would and creating unforeseen circumstances, so, thank you.

Commissioner Wannemacher: I agree and knowing that any project or any case similar to this will come before this Commission for our review gives me comfort. If that is all, then let's have a roll call, please.

Motion: Commissioner Michaels moved approval of the proposed text amendment in keeping with Staff's recommendation.

Commissioner Marbet, Second.

YES – 6 – Wannemacher, Jeffrey, Marbet, Moultrie, Michaels, Huston.

NO – 0 – None.

VII. QUASI-JUDICIAL HEARING

1. Standard Oil, 2439 4th Street South

a. City File 22-90300002 (Local Landmark Designation) Kelly Perkins; 892-5470

Request:

Owner-initiated designation of the Standard Oil Service Station as a Local Historic Landmark of the St. Petersburg Register of Historic Places [Quasi-Judicial].

City Staff Presentation (59:17):

Kelly Perkins gave a presentation based on the Staff Report.

Applicant/Agenda Presentation (1:06):

Jessica Icerman (Agent) and Robert Blackmon (Owner) gave a presentation based on the Staff Report.

Comments Prior to Public Comment (1:11):

Commissioner Wannemacher: Thank you. Does anyone on the Commission have any questions for the Staff or the Owner/Applicant? We would normally open...

Attorney Judd: Since so many folks did fill out cards for all three items if you could just go back and read them. If they would like to come up and speak again, they can. If they don't want to then, we will just read that they are in support, and we will go that way.

Public Comment (1:12):

Commissioner Wannemacher: So, this might be in backwards order this time. We have Melissa Rutland. I believe she's left; she is 'for'. Next is Celeste Davis, she is 'against'. James W. Warren...is 'for'. Sarah-Jane Vatelot...is 'for'. Jim Blackmon...is 'for'.

1. Jim Blackmon, 4710 Bay Street Northeast, filled out a comment card and, also spoke in support of the proposal.

Commissioner Wannemacher: Thank you. Next speaker is Nathaniel Jay... 'for'. And finally, Manny Leto... is also 'for'. Any other public comment on this agenda item? If not, then we can open it up to Executive Session. Are there any Commissioners that would...

Attorney Judd: Madam Chair? We have to confirm that there is no closing remarks... or...

Commissioner Wannemacher: Oh, that is right.

Attorney Judd: Or cross.

Commissioner Wannemacher: Thank you.

Cross Examination (1:14):

City Staff and Applicants waived.

Rebuttal/Closing Remarks (1:14):

City Staff and Applicants waived.

Executive Session (1:14):

Commissioner Wannemacher: Thank you very much. Now we can move into Executive Session. Thank you for the reminder. Yes. Commissioner Jeffrey.

Commissioner Jeffrey: First of all, I am glad to see this being done. But if you're looking for your next project when Ms. Peterson showed the slide of the Pier gas station, it's located on ML King, at about 9th Avenue South. Again, what I find very useful here is the idea of designating this as a way to save the building, as a way to do something that as you say, you've taken the worst building in the neighborhood and are in the process of making it the best. I completely support this application.

Commissioner Wannemacher: Thank you. Any other Commissioners?

Commissioner Moultrie: I'll just add to that. I think you guys did a great job with the renovation of the property and I think that it would be a great addition to St. Pete's local historic landmark. People will be proud of that. I am also in support of it.

Commissioner Wannemacher: Thank you. I too am very much in support of the project. I do have one question, one comment, please. It pertains to the windows. Staff, could you please maybe pull up the image of the renovated building? And, I haven't seen it in person, but it appears that from the image, from the photograph – that the eight (8) over eight (8) windows... the muntins, you can clearly see applied muntins on the interior face of the glass, but I do not see any muntins on the exterior face of the glass. It does appear that previously there were exterior muntins and we normally would require those exterior muntins to provide that shadow line, provide that extra bit of detail and I am wondering if you could please comment on that.

Kelly Perkins: The renovations were done prior to the application submittal. Staff was not...we did not consult on the replacement of the original windows or on the roof canopy. If they had, we would have requested for the exterior three-dimensional grid. Oh, one, we would have requested you know, trying to get an estimate to repair the original windows to see if that would be done. Then, when it came to replacement, to have had the external muntins applied. Obviously, at this point we take the property as it is, but in the future, if the windows are replaced, we would require that it have the exterior three-dimensional grids, to try and replicate the original windows with the exterior muntins.

Commissioner Wannemacher: I am wondering if...what the rest of the Commissioners feel about the lack of exterior muntins on the glazing. On the windows. I guess then, I am also wondering if anybody would support a motion ask the Owner/Applicant to apply the exterior muntins.

Commissioner Huston: Can I ask for clarification? You are not saying replace the windows entirely...

Commissioner Wannemacher: No...

Commissioner Huston: You are saying just apply exterior muntins?

Commissioner Wannemacher: Right...maybe the Owner/Applicant could maybe speak to that. It is a concern that I have, that there really seems to be a lack of shadow line on those windows. The eight (8) over eight (8) windows. It's a very character-defining element.

Robert Blackmon (Owner): I agree. In the photos, I think it's not as visual as it is when you're actually there to see the grill pattern that is in between the double-pane glass. The reason we replaced the windows was a number of them were missing. There were pieces of plywood applied directly to the stucco and those that were there, had been converted to largely, one (1) over one (1) plexiglass with metal bars. There was not a lot of window left and there was also significant termite infestation of the building. We had to have it tented for termites. It did necessitate the replacement, we did however, we're pretty proud of this, restore the transom window over the front door, that is original. We stripped the wood, and we were able to get the glass reglazed, because it was also plexi. That being said, the windows we did replace are very high-quality, double-paned, hurricane-impact windows. They are double hung as the original windows were, even though that's nonsensical for the usage we are anticipating. We would request, please, that we do not have to do any application to the exterior just because, number one: we already spent a lot of money on those windows. Number two: it is a high-dirt area, seeing as it is right off 4th Street, and it would be more cumbersome for cleaning moving forward when you have those grills applied. That's the background on it.

Kelly Perkins: I would also bring up that generally, recommendation for changes is part of the Certificate of Appropriateness process, and not really the local landmark designation. We did the analysis based on the condition of the property as it is, and even yes, the windows have been replaced, it still retains enough of the design factors to meet the integrity.

Commissioner Wannemacher: Thank you very much, thank you for your comments. Any other comments on this agenda item? If not, I will take a motion to, once again, move this forward to City Council, recommending local landmark status.

Motion: Commissioner Michaels moved approval of Staff's recommendation.

Commissioner Jeffrey, Second.

YES – 6 – Wannemacher, Jeffrey, Marbet, Moultrie, Michaels, Huston.

NO – 0 – None.

b. City File AR 2022-01 (Adaptive Reuse with Variances) Derek Kilborn; 893-7872

Request (1:22):

Adaptive reuse approval with six (6) variances, including exterior green yard, interior green yard, screening buffer for vehicle use area, screening knee wall, maximum impervious surface area, and orientation of the proposed speaker box / menu board.

City Staff Presentation (1:22):

Derek Kilborn gave a presentation based on the Staff Report.

Applicant/Agenda Presentation (1:37):

Jessica Icerman (Agent) and Robert Blackmon (Owner/Applicant) gave a presentation based on the Staff Report.

Commissioner Wannemacher (1:45): Thank you very much. Any questions or comments at this time for the Owner/Applicant?

Commissioner Huston: If we have site plan questions, can we come back to those or is this the right time?

Commissioner Wannemacher: We can come back to them in Executive Session. With that, we can move into the Public Hearing and once again, I'll recite the names of each person here with a card. If you would like to speak again, please come up to the podium.

Public Comment (1:46):

1. Melissa Rutland, 200 Central Avenue, did not speak again, but indicated support of the proposal.
2. Celeste Davis, 2651 Bayside Drive South, did not speak again, but indicated opposition of the proposal.

3. James W. Warren, 2340 Highland Street South, did not speak again, but indicated support of the proposal.
4. Sarah-Jane Vatelot, 2420 5th Street South, did not speak again, but indicated support of the proposal.
5. Jim Blackmon, 4710 Bay Street Northeast, spoke in support of the proposal.
6. Nathaniel Jay, 2400 Highland Street South, did not speak again, but indicated support of the proposal.
7. Manny Leto, 3302 Northridge Avenue, did not speak again, but indicated support of the proposal.

Cross Examination (1:48):

City Staff and Applicant waived.

Rebuttal/Closing Remarks (1:48):

Derek Kilborn: Just a quick closing comment. I want to thank the Commission. Obviously, there is a lot of layers to this particular request, and we appreciate your patience working through three (3) different applications. We have presented these differently before, but they have been on a smaller scale, so thank you for that and just to reinforce that we believe this is a good application that meets the objective here, which is historic preservation. That alone, along with some of the existing conditions; the vacant lot, the fencing, and the concrete masonry wall to the north - kind of reinforces where we are trying to go with our recommendations, so we do encourage your approval of this adaptive reuse with variances. Thank you.

Commissioner Wannemacher: Closing comments from the Owner?

Robert Blackmon (Owner/Applicant): The only comment that I want to say, is again, thank you all for the time. Thank you to Derek and Kelly for indulging this project as it's worked through the process for literally over three (3) years at this point. We have had a lot of ups and downs with permitting with the roof, and flood-zone changes going out of a flood-zone. There was a lot of deferred maintenance that had Code Enforcement issues upfront, so we are very, very thankful to all that Staff has done to get to this point. We know it's a very unusual parcel, but that's what we think is cool about St. Pete. You know? We want to preserve the cool, the unique, the unusual and that's why we were attracted, myself and my mother, Carolee – were attracted to this project in the first place. I also did want to thank our Attorney, Jessica – has been very diligent, Tim Rankin, the Engineer, and Alfred Wendler, who has been working with us on this and also the neighborhood association who has been dynamite to work with and is ready for the rebirth of Harbordale. Thank you very much for your consideration.

Executive Session (1:50):

Commissioner Wannemacher: With that, we will move into Executive Session. Any Commissioners have comments, questions, remarks, concerns?

Commissioner Jeffrey: I'll start off. The one thing that strikes me about it...and again, first of all, to get this adaptively reused, I think is the priority. I am concerned about the stacking. If you go to the Starbucks that's on 66th Street and Central Avenue, constantly, in the morning – there's four (4) or five (5) cars literally sitting in the middle of Central Avenue waiting to get into there. And they've got more than five (5) there, so I think that that is going to be an issue and I don't see people rationally driving around. I think they are just going to sit there in the streets and that, I think we have to be cognizant of. If the...oh, I did have one question, is it open to the alley, the parking? It is open to the alley?

Jessica Icerman: Yes, it is entirely open to the alley, in fact, part of the condition is to pave that part of the alley, which we will do.

Commissioner Jeffrey: Okay. Well, that's certainly going to help with the neighbors and locals and everything. With the sound box and the menu board, if that got moved to the back corner of the building facing south, that's going to allow one more stacking space. And, while that does put it closer to the building itself, in the serving, you know, you can only take the orders so fast and make it so fast. I think that might alleviate my concerns over the number of cars that this is going to generate.

Commissioner Wannemacher: Commissioner Huston?

Commissioner Huston: First, let me say I'm not a huge fan of drive-thru's in general. I feel like it's just moving the corridor in the wrong direction in terms of sustainability and transportation and even healthy communities, but I see the writing on the wall, and I appreciate the community support. I want to focus more on the details, and I am hoping that this drive-thru may be temporary and they'll figure out that they can sell more coffee by having a bigger patio. Let's maybe hope that happens. In terms of pedestrian safety, I wanted to ask a question...maybe the engineer can answer it, but...where the sidewalk crosses the two (2) curb cuts, there's kind of two (2) ways to do that, you can let the street elevation just kind of continue from the street into the parking lot and there's...and it stays at the same elevation or you can kind of slope up to the sidewalk level and let the sidewalk take precedence at the curb cut and I couldn't tell exactly from the site plan which it was doing. Was the sidewalk sloping down to the driveway or was the driveway sloping up to the sidewalk level? Maybe that's a little detail you haven't gotten to yet.

Tim Rankin: Tim Rankin, Engineer with George F. Young. A full...

Commissioner Wannemacher: Address, please, as well.

Tim Rankin: 299 MLK Street North. A full grading plan has not been developed as of yet. But City Staff does request, you know, that the sidewalk kind of takes precedence and the elevation of the sidewalk continue to the drive and obviously, the 2% ADA will be maintained. But that level of detail has not been brought to the plan yet.

Commissioner Huston: Okay. And then, another question on pedestrian safety, I noticed when the drive-thru comes around, it's kind of coming right in line with the sidewalk. Is that just protecting the sidewalk with a curb or are there bollards there? I don't know if we need to pull up the site plan to...do you know the area I am talking about?

Tim Rankin: Yeah, so we intend to have a curb there to protect any incidental overflow or the car from moving onto the sidewalk. We also discussed other reflective type of posts being put up, you know, to kind of delineate that space and kind of keep it segregated.

Commissioner Huston: Okay. And then, in terms of landscaping, are there any trees envisioned near the sidewalks? Or I noticed there is no landscaping plan. Again, maybe that's coming later or...

Tim Rankin: There are existing trees along the right-of-way there that we are attempting to maintain. That is part of the reason why the sidewalk is remaining where it is and not coming off of the curb or coming off of the property line farther. And then there will be other landscaping requirements for the landscaping areas that are remaining, per the City Code.

Commissioner Huston: At the time that those details are worked out, does that go to Permitting for review or does that come back here...does anyone...?

Commissioner Wannemacher: Well, if there are any renovations done to the building itself, for instance, installation of a drive-thru window, it would need a Certificate of Appropriateness. And if it can't be reviewed by the City Staff, it would come back to our committee.

Commissioner Huston: And then, one other question. I don't know if this is for Derek or the Applicant. The decision to eliminate the screen wall between the parking and the sidewalk, it looked like there was some space there, but enough for maybe a wall, but was there some other condition that was preventing that screen wall from being installed?

Tim Rankin: In order to help marry the ISR variance and the other variances, so it's only a sixty (60) foot-wide lot and that's the minimum width for nine (9) degree parking. We've actually provided what is called the two (2) foot overhang to give a little more greenspace so that space that would be available for a wall was actually for landscaping and for the overhang of the front of the vehicle.

Commissioner Huston: Okay. Got it. That's all.

Commissioner Wannemacher: Okay. Any other Commissioners, comments, questions, concerns?

Commissioner Marbet: I'll just comment on...we have a neighborhood drive-thru like this. It's great, everybody enjoys it. The stacking of the cars doesn't seem to be an issue, but again, they don't have the speaker box there. They approach the cars as they come in and that seems to mitigate the traffic, so because of that, I think that the speaker box, that could potentially create a little bit more stacking. I would be a little more inclined to maybe not having the speaker box.

Commissioner Wannemacher: And, also regarding the speaker box, I am wondering if – at some point in time, there might be new technology that becomes available. You order on your phone, or you place an order...that at some point, that speaker box might actually go away. Even approving it now, it may not need to be there in the future just because of technology, technology advances. Any other comments?

Commissioner Moultrie: So again, I think it's a great idea. I like the concept. I pass the area daily, morning, noon, and night. I am concerned with the stacking and the traffic. I am also concerned with the egress and that traffic coming around to that corner and then trying to get back on 4th going south and the traffic that that might cause. But I don't know that there's a place for us to address that as a part of this, but those are my concerns again. Supportive of the project, but those are my concerns.

Commissioner Wannemacher: Well, thank you very much. Yes, Commissioner Jeffrey?

Commissioner Jeffrey: I'm just sort of thinking historically here. Probably, a speaker box didn't exist in 1926. Maybe we ought to be a little more authentic here and eliminate that.

Commissioner Wannemacher: The idea of having Staff or somebody come out to the car, taking your order as you pull up, certainly could be an option.

Commissioner Moultrie: Similar to the older gas station.

Commissioner Wannemacher: An attendant came out and took your order. We would have to create a motion to remove the speaker box...well, we could just. I think when it comes time to vote, I think what we probably should do is maybe take each one of the variances separately or if we think that maybe the first five (5) variances, we could package those together, but anything that we have questions about, we could pull those variances out. Do we have a recommendation from Mr. Dema?

(2:00) Attorney Dema: Yeah, I think those first five (5) definitely have to go together, I think that at the very least, those first five (5) should go together.

Commissioner Wannemacher: Okay. Thank you. Well, I will go ahead and make some comments. I am very much in support of the project. But I will say that if it was not for the historic designation of this building, this project, I would not be in support of the variances. But our support of historic preservation and saving this little jewel box of a building, in this location – makes me very much in support of the variances being requested. I do have concerns about vehicular and pedestrian safety and the adjacency of the cars and the sidewalk. I was wondering if that sidewalk that runs east/west could be shifted over just a little bit, just to give a little bit extra space between that drive-thru and the sidewalk. I know that there are some trees there, but I'm just very concerned. It'll be important that whoever is the tenant has good insurance because I could really foresee there being some issues, potentially, at some point in time between the pedestrians and vehicles. But some of this also will be worked out in final permitting. We are not really seeing some of these details, the construction document, technical details, and I know the engineer is going to have some time to work through some of that, because we are not going to see that right now or today, it's hard for

us to judge that. We will just have to have faith the Plans Review Department, Traffic/Engineering will take all of that into consideration and make sure everything is okay. I had a question about the handicap parking space because it was only sixteen (16) feet deep and it didn't seem to be compliant, but you're getting the extra two (2) feet by hanging over the curb on the south side. And again, just a reminder to the Applicant that if any renovations are made subsequent to this approval, or subsequent to the landmark status when...if and when City Council approves that, that they will require a Certificate of Appropriateness and I think all of us on the Commission would like to see that come back and that maybe...well, depending on the extent, I would say, Staff can judge whether that should be reviewed by Staff or if it should come back to the Commission. Maybe Staff could comment on that.

Kelly Perkins: Yeah, technically exterior modifications even including the paving, requires a Certificate of Appropriateness. If there were specific items, I mean, we don't have a speaker box on our new matrix, given the concerns and discussion, it might be something that we would review and maybe think about sending that to Commission. But, given, you know, some of the approval for the paving for the drive-thru, if you approve the drive-thru, that would normally be handled at the Staff level.

Commissioner Wannemacher: Right. Yes, then that would be fine. And you're really not going to know that until you get with a tenant and so those designs will come further. Okay. Any other comments, questions, concerns?

Commissioner Huston: I just want to add, I share your concerns about the pedestrian. I am a little worried that it might go too far, and we don't get a second look, or somebody doesn't get a second look. You know, maybe there do need to be some bollards on the sidewalk. You know, I have accidentally stepped on the gas one time when I meant to step on the brake and gone over the curb. So, it does happen, and the neighborhood probably does have fairly high pedestrian activity. Whatever we do, I hope there's another opportunity, either with the City Staff or someone is going to be looking closely at that down the road, whether it's us or someone else. I don't know if there's any way, we can...make sure that happens.

Commissioner Wannemacher: Yeah, I think it's real clear where we are very concerned about pedestrian/vehicular safety and especially right there on the south edge, where they come in very, very close contact. Normally, they wouldn't because a buffer would have been required. Are there any other comments, remarks? If not, what we need to do is...it appears we are going to break this up into three (3) different motions. The first one potentially being for the first five (5) variances and then we will do the speaker box variance, and then we would do, finally, the adaptive reuse.

Commissioner Jeffrey (2:05): I would make the motion with the approval of five (5) variances including exterior green yard, interior green yard, screening buffer for vehicular use area, screening knee wall and maximum impervious surface.

Commissioner Michaels: Second.

Commissioner Wannemacher: Okay, we have a motion and a second. Any more discussion? Roll call, please.

Motion: *Commissioner Jeffrey moved to approve five (5) variances including exterior green yard, interior green yard, screening buffer for vehicular use area, screening knee wall and maximum impervious surface.*

Commissioner Huston, Second.

YES – 6 – Wannemacher, Jeffrey, Marbet, Moultrie, Michaels, Huston.

NO – 0 – None.

Commissioner Wannemacher: Would somebody like to take up the motion of the speaker box?

Commissioner Jeffrey: If I could ask a question first? Are we looking at it as is - proposed in the application? Is that how I should state that?

Attorney Dema: Yes. Barring any other change.

Commissioner Jeffrey: Then, let's take it that way first and see where it goes. Motion to approve the orientation of the proposed speaker box menu board as proposed in the application.

Commissioner Wannemacher: And as a reminder, that is angled a bit to the southwest, correct?

Attorney Judd: Correct, but if there's some changes, that you'll want to be made to that, you'll need to decide, because once it's a 'no', on the speaker box, it's a 'no' on the speaker box. If you are intending to fiddle with it, now's the time.

Commissioner Wannemacher: Right.

Commissioner Huston: The main objection on this speaker box is just the sound, mainly. Maybe a little bit though.

Attorney Judd: The motion as it's now depicted is the orientation and the wall as the graphic that's up here. That's what you are voting on, this plan.

Commissioner Wannemacher: And does this speaker box also include that buffer wall as shown on the plan? Yes? Okay. There was one suggestion to move that speaker box a little bit further south. Maybe that would provide an additional car stacking space. I'm not sure that it would, and I would be concerned that it's getting a little bit too close to somebody picking up their order if they're immediately adjacent to the building. I guess, the other concern I have is thinking about where that speaker box is located and the attention of the driver as they are pulling up to the speaker box and not paying attention, you know, to stepping on the brake or driving off of the curb. I think that's the other thing that we need to, and I am just thinking about it now, is when you're driving up, your attention is looking to the left, looking to the menu, so, is that the best location for it?

Commissioner Huston: The only other location I can imagine was that if it was facing, I guess it would be north. Facing the adjacent property, which right now is non-residential anyway, right?

Commissioner Wannemacher: Part of me also, part of me thinks possibly, for some safety, it might be better if it was actually facing west and oriented north/south so that the driver didn't have to really pull all the way around to take a look at the menu and place their order. I know that might remove one of the stacking, but...other comments from the...? True, we need to get this out now. We need to make sure we've discussed everything and...

Commissioner Huston: I think that would work, other than the stacking space. I mean, the cars are already drawn about six (6) inches from each other.

Commissioner Wannemacher: Yeah.

Commissioner Huston: Minimal.

Commissioner Wannemacher: Yeah.

Commissioner Huston: I do agree that it would be better if the car wasn't pointed right at the sidewalk on the time that it stops.

Commissioner Wannemacher: Yeah.

Commissioner Huston: I guess Bob's solution would get rid of all of that because there would be no speaker box.

Commissioner Wannemacher: Staff or Applicant have anything they want to comment on, or...?

Derek Kilborn: I only came over to the podium because you started talking cardinal directions...and I wanted to make sure...

Commissioner Wannemacher: Did I say something wrong?

Derek Kilborn: On the plan that's up here, this is your south...

Commissioner Wannemacher: Right.

Derek Kilborn: ...base. This is your north...

Commissioner Wannemacher: Right.

Derek Kilborn: West is up here in the drawing. And then this is east.

Commissioner Wannemacher: Yeah. Right, so if the speaker box was facing west, it would be it would be pulled back north a bit?

Derek Kilborn: Right. And because I was standing on the side, I wanted to make sure I was answering in the microphone. You asked about the wall.

Commissioner Wannemacher: Yeah.

Derek Kilborn: Yes, we would see the wall as part of the speaker box. If it is approved as presented, you know, it's part of the site plan and so that is a mitigating detail related to the speaker box as presented. As we noted in our presentation, then we would be looking at the detail of that wall to make sure that the height of the wall is appropriate to properly screen any audio that might be coming out of the speaker box itself.

Commissioner Wannemacher: Yes.

Jessica Icerman: I'll just add that, again, reiterate that the applicant would prefer the due west orientation. We do not believe that loses the stacking spots. In fact, just where the speaker box is, just tilted, essentially, due west, that is our preferred option. In our opinion, that is the safest and maintains stacking and again, we have the buffer of the parking lot, the alley, and then currently, residential property that is vacant.

Commissioner Moultrie: Question. If you move it west, are you removing the sound wall?

Jessica Icerman: Yes, unless you prefer us to keep it.

Commissioner Moultrie: I just prefer the sound wall.

Jessica Icerman: Okay.

Commissioner Jeffrey: You wouldn't be able to put the sound wall there and access the parking.

Jessica Icerman: I'm sorry, what was that?

Commissioner Moultrie: Meaning, I'm for this and the sound wall, is what I'm saying.

Commissioner Jeffrey: No, I just said that if the sound wall moves to face due west, then you can't get into the parking lot.

Jessica Icerman: Oh no, the sound wall could not move. Its location is pretty much fixed with where it is. But, if you wanted us to twist it west and maintain that sound wall, to protect people to the south side of the property, that's possible. If you don't think it provides a service twisting it...if we move the speaker box to point due west, I am not a sound expert, I don't know if it would provide much use. I'll leave that in your judgement.

Commissioner Wannemacher: You know, I also have a feeling that once a tenant is identified, and the tenant comes in and really starts looking at the functionality of this, they may even come up with some new ideas about how to best make this function. I think with that being said, I believe, my preference is to support the application as is, with the sound wall, with it tweaked a little bit, as is on the plan. I think everything in consideration, I think, again, my preference is to just support it as is in the plan.

Commissioner Jeffrey: I made a motion....

Commissioner Wannemacher: Yeah. And we have not had a second yet. And then we can discuss it. So, the motion is to approve this variance as is with the sound wall, with the speaker box located in its orientation on the plan.

Motion: Commissioner Jeffrey moved to approve the orientation of the proposed speaker box menu board as proposed in the application.

Commissioner Michaels, Second. (2:06)

YES – 4 – Wannemacher, Moultrie, Michaels, Huston.

NO – 2 – Jeffrey, Marbet.

Commissioner Michaels: Just a comment for Staff on pedestrian safety here. I notice from the images that there is no crosswalk right there at 25th Avenue South. That might be something to consider when you get into this further.

Derek Kilborn: We'll take that comment back to Transportation, yes.

Commissioner Wannemacher: Okay, and now, I will entertain a motion for the adaptive reuse final item.

Commissioner Jeffrey: Motion to approve the adaptive reuse plan. Should I emphasize also the variances that have been approved, or is this just the plan itself?

Attorney Judd? It's the adaptive reuse. It includes the variances by operation of your prior vote.

Commissioner Wannemacher: Okay.

Attorney Dema: Subject to conditions of approval.

Commissioner Jeffrey: Subject to conditions of approval.

Motion: Commissioner Jeffrey moved to approve the orientation of the proposed speaker box menu board as proposed in the application.

Commissioner Michaels, Second.

YES – 6 – Wannemacher, Jeffrey, Marbet, Moultrie, Michaels, Huston.

NO – 0 – None.

Commissioner Wannemacher: Thank you very much and good luck to you. Thank you. Would anybody like to take a five (5) minute recess?

Commissioner Michaels: Yes.

Commissioner Wannemacher: Okay. We are going to recess for five (5) minutes.

The Chair recessed the Community Preservation Planning Committee meeting at 4:17 p.m.

The Chair reconvened the Community Preservation Planning Committee meeting at 4:23 p.m.

VII. QUASI-JUDICIAL HEARING

2. City File 23-90200009

Kelly Perkins; 892-5470

Request:

Review of a Certificate of Appropriateness application for a rear addition, porch, and reconstruction of front pergola to 2900 Burlington Ave N, a contributing property to a local historic district

City Staff Presentation (2:24):

Kelly Perkins gave a presentation based on the Staff Report.

Applicant/Agenda Presentation:

The Owner/Applicant were present for questions or comments.

Public Comment:

None.

Cross Examination (2:27):

City Staff and Owner/Applicant waived.

Rebuttal/Closing Remarks (2:28):

City Staff and Owner/Applicant waived.

Executive Session (2:28):

The Chair stated that just looking at the floor plan, they are not really concerned with the interior, but it is a modest addition that has a significant impact on the interior of the home and is going to be quite lovely. Also, adding the patio is very nice. The Chair also thanked the Applicant for taking care of the home and bringing it back to what it was, adding the pergola, it is really going to be lovely.

Motion: *Commissioner Michaels moved for the approval of the Staff recommendations, to include the six (6) conditions.*

Commissioner Jeffrey, Second.

YES – 6 – Wannemacher, Jeffrey, Marbet, Moultrie, Michaels, Huston.

NO – 0 – None.

3. City File FLUM-66

Britton Wilson; 551-3542

Request:

Private-initiated application requesting Future Land Use Map amendments from Planned Redevelopment – Residential (PR-R) to Planned Redevelopment – Mixed Use (PR-MU) and Residential Medium (RM) and concurrent amendments to the Official Zoning Map from Neighborhood Traditional Mixed Residential - 1 (NTM-1) to Corridor Residential Traditional -1 (CRT-1) and Neighborhood Traditional - 2 (NT-2) to Neighborhood Suburban Multifamily – 1 (NSM-1) for a 1.66-acre site.

City Staff Presentation (2:30):

Britton Wilson gave a presentation based on the Staff Report.

Applicant/Agenda Presentation (2:36):

Katie Cole, Esq., gave a presentation on behalf of the Applicant, based on the Staff Report.

Commissioner Wannemacher: I have a couple of questions. When did your client acquire all of these parcels?

Katie Cole: I was looking for the deed. 2017.

Commissioner Wannemacher: And the Code violations on these properties have been since 2017. Are there any fines associated with these violations?

Katie Cole: No. Not yet. Our client has been working actively with the Code Enforcement Department. Most of the violations are cosmetic in nature and deal with peeling paint, soffits, railings, doors, windows. One house has a roof issue. Whether there were Code violations prior to his acquisition, I don't have that knowledge.

Commissioner Wannemacher: Okay. Thank you. Any other questions for the applicant or City Staff?

Commissioner Huston: I have a question. I think this would be addressed to the City Staff. For this type of zoning, the Suburban Multi-Family zoning, I believe has some urban design standards associated with it, but as the attorney mentioned, garden-style, which to me – means parking in the front and the building in the back. I was just curious. I believe the zoning standards require the building in the front and the parking in the back in a more urban fashion, is that correct?

Britton Wilson: Neighborhood-Suburban Multi-Family does not require the parking in the rear.

Commissioner Huston: Okay, so that's where the suburban part of that designation comes from?

Britton Wilson: Correct.

Commissioner Huston: I am wondering if there's any way that we can put that as a condition that there's some urban design standards that are kind of worked out. I definitely think in that location it's a traditional neighborhood setting that you would not want to front the street with a parking lot.

Britton Wilson: Legal may want to respond to this, but we do not condition land use or zoning amendments.

Attorney Dema: Yeah. I have a lot of heartburn conditioning zoning approval. Rezonings generally, but also something that's more site plan oriented. I think we can take it under advisement and the flexibility of that zoning district in the context of a heavily urban forum that we observe throughout Historic Uptown – would hopefully inform this at the permitting and should there need to be a site plan approval later on, and I know that Mr. Kilborn can speak more to that, but, from a legal standpoint the conditioning of rezonings is generally frowned upon.

Commissioner Huston: You get what you get in terms of the zone.

Attorney Dema: That's right.

Derek Kilborn: That's your answer on conditioning zoning amendments, but there is a design standard here that does resolve the condition concern that you have. Looking at the Neighborhood Suburban Multi-Family zoning category, in the design standards under Vehicle Connections, it says, "Access to parking shall be designed to take advantage of the first available alternative in the following prioritized list. Number One: Access shall be from the alley or side street." In this case, there is a rear-loading alley. Access to the parking will need to come from the alley.

Commissioner Wannemacher: And that alley would need to be upgraded. What's the condition of that alley right now and does the Code require that alley to be repaved by potential new developer?

Derek Kilborn: I know the answer under NTM-1. I do not know how that standard is applied under the NSM. Not knowing what type of development might be proposed and where on that block face it would be situated. But generally, there are alley improvement requirements when there is new construction.

Britton Wilson: And Madam Chair, it is a 15-foot-wide alley that is brick paved.

Commissioner Wannemacher: Okay. Great. Commissioner Michaels, you had a comment?

Commissioner Michaels: I've got some questions. One has to do with Policy 3.6, which states that 'land use planning decisions shall weigh heavily on the established character of predominantly developed areas' and so forth. In your Staff report you addressed the southern part of the parcel in that adjacent area, and you addressed the northern area of the parcel, but you don't say anything about the western side of the parcel. And of course, the western side of the parcel is all zoned NT, Neighborhood Traditional-2. I guess the question is why not address that and to what extent does that weigh in on whether or not this particular policy is met?

Britton Wilson: That's a good point, Commissioner Michaels. The slide that I had; it went over the existing uses in the area to the west. It is a true mix of residential densities. I believe there was even a 9-unit multi-family building, a duplex and various single-family homes. Yes, that's correct. A 9-unit multi-family and single..., and then also to the north, on the other side of 7th Avenue, south-facing lot, those are duplexes as well.

Commissioner Michaels: Okay, but the Applicant is requesting a rezoning as suburban rather than traditional. How does that, how does that fit here? I don't see any other suburban zoning in the entire...

Britton Wilson: But there's really not a, until the NTM-1, there really wasn't a equivalent traditional multi-family zoning district. Staff kind of looks at NSM as more of a generic multi-family, and Derek had pointed out when there are alleys in the development is platted in a traditional form, there are provisions of the Code to direct it to develop in a more traditional form.

Commissioner Michaels: Alright, well NTM-1 has specific language that the parcels that are on major streets and so-forth, that those need to meet design standards which are compatible with Neighborhood Traditional. Do we have that requirement with Suburban?

Britton Wilson: No, sir.

Katie Cole: Commissioner Michaels, the Code in NSM allows for building design requirements in Section 16.20.030.11. As Mr. Kilborn articulated, the Vehicle Connections, it talks about access from an alley or side street. It speaks that when there are multi-family complexes, there should be one (1) driveway that services the entire complex, not multiple driveways off the street. It discusses how you should have a forward-facing building. The building style is an architectural style, which is identifiable, I'm just giving examples, building materials are appropriate to the architectural style. There are...is a level of building design standards in the NSM section of the Code. It also talks about the site layout and orientation preserving the network and linkages for pedestrians and vehicle connections in the hierarchy of transportation. I mean, candidly, if we could have had the entire block in a more intense development option, I'm sure that that's what our client would have preferred. But the Staff was extremely concerned about both the transition to St. A's and just as a reminder, the institutional land use and zoning designation does have twelve (12) units per acre assigned to it, so if the hospital got into the multi-family housing business, that would be at 12 (twelve) units an acre. This is very similar as a step down to the other, the Neighborhood Traditional category. Also, as Ms. Wilson said, has a number of variety and this particular neighborhood of different types of structure. With duplexes, triplexes, quadruplexes,

etcetera. What this Neighborhood Suburban designation does is allows the density averaging around the parcels, but still has some of those design requirements.

Commissioner Michaels: I guess the concern that I have is, yes, there are design standards for suburban, but there are different design standards for traditional. The NTM-1 talked in particular about respecting the existing development pattern and the character of those neighborhoods. Will what is built on half of this block with the alley going down the middle – will that be stylistically and mass and scale-wise compatible with the traditional housing which is just to the west?

Katie Cole: I think we don't know the answer to that until the site plan is brought forward.

Commissioner Michaels: Okay.

Commissioner Wannemacher: I do have one (1) public card and the speaker is Joshua Miller.

Public Comment (2:53):

Joshua Miller, 1403 7th Avenue North, spoke in opposition to the proposed amendments.

Commissioner Wannemacher: Thank you very much and thank you for your patience through all of the earlier agenda items. Do we have any rebuttal from City Staff? I'm sorry, cross examination?

Cross Examination (2:56):

City Staff and Applicant waived.

Rebuttal/Closing Remarks (2:57):

City Staff waived.

Katie Cole: I have a couple of clarifications. I apologize, we were looking to try find the deeds for you, they unfortunately were not in my binder. I did want to speak to the building height, the neighborhood NTM building height is a 36-feet. The primary building height for NSM is also 36-feet. It would only get to 48-feet in the event that workforce housing units are included. I just wanted to make that clarification.

Otherwise, I think that with the evidence in the Staff Report and in the application as it was presented, the application meets your criteria in the Code and allows for the future review in the event there is an application forthcoming for site plan review that could address some of these other issues. Based on the matter that is before you today, from the zoning and land use change, we would respectfully request your approval. Thank you.

Executive Session (2:58):

Commissioner Wannemacher: Thank you. We will go ahead and move into Executive Session. Do any Commissioners have any comments, questions, or concerns?

Commissioner Huston: Since I mentioned it earlier, I thought I'd seen in the Zoning Code before that there were some basic design standards, so I'm glad to see that they are in there, that kind of will ease my concerns. I think it would be, given the configuration of the lots, it would probably be difficult to get up to four stories anyway because you are going to be limited in parking and there is not enough room for a garage, probably. Personally, I'm comfortable based on the criteria on moving forward with it.

Commissioner Jeffrey: I do have one comment. When the uptown plan was done back in 1991 and 1992, this area really struggled from the standpoint of the hospital was trying to expand, the interstate had gone in in the '70's. It's always appeared to me as a sort of a hodgepodge of locations. A lot of those apartment buildings were owned by a notorious slumlord at the time who didn't do much to really improve the property, and, in many ways, I think that as we go through the City, we need to start looking a little more long-term about where density is increasing, where things are done and this seems like a way of starting to...and I hate the word 'cleanup', but to organize, better organize an area of our City that could use some organization.

Commissioner Wannemacher: This property's adjacency to the hospital, I could potentially foresee some really wonderful workforce housing happening here, depending on who potentially who buys this piece of property. And really being very beneficial to cleaning up the neighborhood a bit. But the hospital is not going anywhere. The hospital has been putting a lot of money into upgrades and renovations, it makes sense, in my opinion, to rezone this property and increase the density. Any other comments? Okay, I'll take a motion.

Attorney Dema: Chair if I may? There is a member of the public that has a green card.

Commissioner Wannemacher: Oh. Okay. I should have said is there anybody else that would like to...

Attorney Dema: Even though the public hearing has closed, we generally are open to anybody speaking, so long as a decision hasn't been made on an item yet.

Commissioner Wannemacher: And it hasn't. Sorry for not acknowledging you earlier. Our next speaker is Laurel Martin.

Public Comment (3:01):

Laurel Martin, 622 ½ 14th Street North, spoke regarding concerns of the proposed text amendments.

Executive Session (3:02):

Commissioner Wannemacher: Thank you very much. In light of the last comment, is there any additional commentary from the Commission?

Commissioner Michaels: Could the Staff or Legal remind us of what the notice requirements are for vacating property, given the concern we just heard?

Attorney Dema: Right. A couple of years ago, we did adopt in our Land Development Regulations the Tenant Notice of Intent to Develop provision, which says, “projects subject to a planning and zoning decision which involve demolition and four (4) or more occupied dwelling units at time of the application shall have 90 days written notice, prior to issuance of building permits.”

This zoning decision does not have a demolition tied to it, it would normally be with something like a site plan or even a variance or something like that that came with redevelopment. In this case, the notice that has been provided appears to be compliant with what the Code requires for a rezoning, and should there be a demolition permit coming in, that is when that might implicate the 90-day written notice.

Commissioner Michaels: I seem to recall, maybe it is a matter of dates here, but I seem to recall when the Stanton apartment complex was demolished, there was only a 30-day notice to the residents. Am I not recalling that correctly?

Attorney Dema: Well, that was a potentially eligible listing and I know that in that case, there was certainly 30-days required there. I don’t know if that triggered the 90-days.

Commissioner Michaels: Okay. Thank you.

Commissioner Wannemacher: May I have a motion for this agenda item?

Motion: Commissioner Jeffrey moved to find the application consistent with the Comprehensive Plan and recommend to City Council to change the Future Land Use and Zoning based on the Staff Report.

Commissioner Huston, Second.

YES – 4 – Wannemacher, Jeffrey, Marbet, Huston.

NO – 2 – Moultrie, Michaels.

Commissioner Wannemacher: Thank you very much. I believe there would be time and there would be sufficient information provided for each of the tenants who are currently occupying the homes.

Britton Wilson: To clarify, it would only be applicable to the units of four (4) or more, so if they are in a duplex or triplex, they will not get the 90-day notice.

Commissioner Wannemacher: Okay.

VIII. UPDATES AND ANNOUNCEMENTS

VIII. ADJOURN at 5:26 P.M.