

**PLANNING COMMISSION
MINUTES
JULY 14, 2020
Virtual (Zoom.us) and In-Person
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming, Zoom
Peter Luttrupp
Brinnon Mandel, Zoom

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director, Zoom
Tami Stroud, Associate Planner
Jake Plagerman, Permit Technician
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

Michael Ward
Lewis Rumpler

CALL TO ORDER:

The meeting was called to order by Chairman Messina at 5:30 p.m.

APPROVAL OF MINUTES:

Motion by Mandel, seconded by Fleming, to approve the minutes of the Planning Commission meeting on June 9, 2020. Motion approved.

Commissioner Luttrupp stated that in the minutes for last month, the consultant who did the report on Economics was surprised by the City's strong manufacturing presence. He said that he was pleasantly surprised in a positive way, which reflects well in our community and it shows that staff has been doing great things for the last few years.

COMMISSION COMMENTS:

Chairman Messina commented that he took a tour of the Atlas Mill site with staff and was amazed at the progress that has happened. He commented that when the project is completed it will be an amazing park for everyone to enjoy and expressed kudos to staff for making it possible.

STAFF COMMENTS:

Hilary Anderson, Community Planning Director provided the following statements:

- She announced that if any Commissioners would like a tour of the Atlas Mill property, to contact staff to schedule a tour.

- She added that there is also an opportunity from KEA Waterkeepers to attend a tour of the north portion of the lake for the commissioners that didn't get to go last year. If interested, please let her know if they would like to be included.
- She announced that the August 11th Planning Commission Agenda will have three hearings, including a special use permit, zone change and a multi-part request submitted by River's Edge which includes the City-owned railroad property.

ENVISION CDA COMMITTEE UPDATES:

Ms. Anderson said that they now have the Envision survey online and hope to get as many people to participate as possible. The survey will be live through July 24th and they are offering incentives for people to take the survey with opportunities to win various gift cards and Silverwood day passes. She added there will also be an opportunity for the public to do some interactive mapping to indicate where they would want to see the City grow. The exercise is similar to the game that was previously played and they will also be asking for information on the goals, policy and action items. The survey can be accessed from the City's website, cda.id.org, or the project website, envisioncda.org.

Commissioner Mandel asked what the response rate was so far in regard to people taking the survey. Ms. Anderson replied that the response has been "great," with 500 responses so far. She said that they have been having many of the organizations throughout the City getting the word out for people to take the survey.

PUBLIC COMMENTS:

None.

PUBLIC HEARINGS

1. Applicant: Thomas Fisher
Location: 217 W. Cardwell Drive
Request: A proposed zone change from R-12 to C-17.
QUASI-JUDICIAL, (ZC-2-20)

Tami Stroud, Associate Planner, presented the staff report and stated the applicant is requesting approval of a zone change from R-12 (Residential at 12 units/acre) to C-17 (C-17 Commercial) zoning district.

Ms. Stroud provided the following statements:

- The property is located on the north side of I-90 and west of Government Way along Cardwell Drive.
- There is an existing single-family dwelling unit and an accessory structure on the subject site. The single-family dwelling was originally built in 1960.
- The pole building was constructed in 1995.
- The property owner would like to use the accessory structure as a gym, or Commercial Recreation use.
- The zoning ordinance requires Commercial Recreation uses be located in the C-17/C-17L Zoning Districts or be approved by a special use permit. (See C-17 Zoning District Information on pages 14 & 15).
- All uses located in the C-17L and the C-17 zoning districts are required to meet the City's Commercial Design standards.
- The applicant has indicated that they would like to utilize the existing accessory structure as a gym (Commercial Recreation use).

- They also intend to make the necessary improvements to the existing single-family dwelling unit, and it will remain on the site.
- The applicant is aware that site improvements, commercial design standards, and paving of display lots and maneuvering areas are required in order to use the existing accessory structure for a commercial use.
- Ms. Stroud noted that the applicant's proposed Commercial Recreation use of the property is not tied to the requested zone change. If the subject site is approved to be changed to the C-17 Commercial District, then all permitted uses in the C-17 Commercial District would be allowed on the site.
- She stated that the Comprehensive Plan designates the property as Appleway-North 4th Street-Transition
- She noted the various Comprehensive Plan polices that apply to the project
- She noted the various staff comments and noted that Chris Bosley, City Engineer, said that ingress/egress out of Cardwell Avenue could be slightly more congested during the peak hours with left turns being a challenge. But that Streets & Engineering did not oppose the zone change.
- She commented that there are no conditions if the project is approved.

Ms. Stroud concluded her presentation

Commission Comments:

Commissioner Ingalls commended Ms. Stroud on her report. He noted that in the staff report a comment was made that the applicant intends to use the building as a gym, which was also in the applicant's narrative. He explained that is not their job to analyze the project, but to make a decision on whether it is an appropriate use for commercial recreation. He explained that once the zone change is granted, the applicant might change their mind and sell the property, and once it is zoned C-17, any of the uses within the C-17 zoning designation could be done on the property, which might not be compatible with the surrounding area. Ms. Stroud explained that if the zone change was approved it would allow all of the uses under the C-17 zoning district. She added that the commission must consider that the parcel is limited because it is small and parking would need to be provided, including all other things per the code. Commissioner Ingalls asked if there was any previous discussion with the applicant about a special use permit rather than doing a zone change. He explained that if the applicant is only wanting commercial recreation use, they could do the same thing in the R-12 zoning district with a special use permit, which would be easier and then their decision would be to decide if commercial recreation is appropriate because, under a special use permit, they would be allowed to only do that and not change their mind. Ms. Stroud stated that they did receive a phone call from the applicant's representative that they wanted to pursue the zone change and the applicant's representative was available to answer those questions.

Public testimony open.

Tom Fisher provided the following statements:

- He explained that the property was donated to the Humane Society and that the applicant wanted to sell the two parcels together but a family member bought one of the lots which was an existing gun shop. He commented that the entire family has been cleaning up the property so it's a family project. He advised the applicant that the property is a good investment and to do a zone change since the property is surrounded by C-17 properties. He added that after they buy the property they don't intend to sell.

Commissioner Ingalls said that the applicant's narrative stated the goal is to create a gym or another use allowed in the C-17 zoning district. Mr. Fisher explained that there is a shop on the property and that the applicant does have a gym now and maybe down the road they would remodel the house to live in it or as a rental and leave the shop to use it for some type of training, but he commented that he understood that there are steps to be done before that could be approved. Commissioner Ingalls asked if the applicant understood that they could achieve their goal by a special use permit rather than a zone change. Mr. Fisher advised them that, as a realtor and a possible resale, they should do the zone change to C-17.

Chairman Messina asked if the applicant intends to remodel the existing home and live there. He asked staff if the property is zoned C-17, is the applicant allowed to live in the house. Ms. Stroud explained that since it is C-17, it does allow single family dwellings units within that zone.

The applicant concluded his presentation.

Public testimony closed.

Discussion:

Commissioner Luttrupp noted that on page 13 in the staff report it shows where the property is located; and from looking at the map the property is surrounded by C-17 properties and he feels that in the future all of that property will be zoned C-17. He commented that he understands the thoughts behind using a special use permit as stated by Commissioner Ingalls but feels that in the long term the area will eventually be C-17. He stated that he will support the request.

Commissioner Ingalls explained that he does support the request but wanted to mention the use of a special use permit as an easier way to get to a commercial recreation rather than a zone change.

Motion by Ingalls, seconded by Luttrupp, to approve Item ZC-2-20. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

2. Applicant: Ryan Bishop
Location: 3896 N. Schreiber Way
Request: A proposed Physical Therapy/Sports Performance special use permit in the Manufacturing (M) zoning district.
QUASI-JUDICIAL, (SP-4-20)

Jake Plagerman, Permit Technician stated:

- Ryan Bishop is requesting approval of two services uses; professional and administrative offices and commercial recreation via the Special Use Permit process.
- Both uses are allowed via Special Use Permit in the Manufacturing (M) Zoning District.
- The applicant has made the request for the parcel located at 3896 Schreiber Way, otherwise known as Lot 7, Block 2 of Commerce Park Of CDA.
- The Comprehensive Plan designates the area as Ramsey-Woodland, Stable Established.
- Mr. Plagerman noted the various Comprehensive Plan Policies in the staff report.
- He provided a map showing the various approved special use permits in the area

- He noted the various staff comments in the staff report, with each department indicated no problems with the special use permit.
- He noted that, if approved, there was one condition.

Mr. Plagerman concluded his presentation

Commission Comments:

Commissioner Ingalls commended Mr. Plagerman on his report, and commented that the whole Schreiber Loop has had a lot of special use permits approved. He asked Mr. Plagerman if, in his opinion, if this project is approved would this be considered a “down zone” since the applicant intends to put in a gym that would have less noise associated with the use than what would be allowed under the Manufacturing zone. Mr. Plagerman said that he concurred, and noted that maybe there would be more traffic if it was a commercial use, but the Manufacturing district and a special use permit gives the applicant the option to choose one of those uses allowed under the special use permit.

Commissioner Fleming reminded everyone that the commission recently approved another fitness center on the northeast, west side just below Kathleen, which was to be a swimming facility/multi-use fitness center, so she feels that the proposed use is not an unusual use in the area.

Commissioner Luttrupp said that he would support the request and suggested that there should be an area designated just for manufacturing in the Comprehensive Plan.

Public testimony open.

Ryan Bishop, applicant, stated that he would stand for questions.

Don Crawford said that he was working with the applicant and spent a lot of time looking at different options for the business around the City and even considered building. He added that the piece of property became available and it is not exactly what they were looking for but is a good fit. He commented that he feels the use is compatible with the surrounding uses and hoped the commission would approve the request.

Public testimony closed.

Discussion:

Motion by Fleming, seconded by Luttrupp, to approve Item SP-4-20. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

ADJOURNMENT:

Motion by Luttropp, seconded by Ingalls to adjourn the meeting. Motion approved.

The meeting was adjourned at 6:20 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

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