

PLANNING AND ZONING COMMISSION
MINUTES OF MEETING

January 25, 2011

6:03 p.m.

Item 1. Roll Call.

PRESENT: Gene Deckard, Jim Rice, Tim Glenn, Ambrose Buckman, Bob Gerdes and Brent McElwee

STAFF PRESENT: Planning & Zoning Director Nick Pappas; Building Official Larry Murry; Secretary Kathy Twitchell

ABSENT: Bruce Collins and Sam Hargrove

Visitors: Eric Copeland and Keith Winge

Item 2. Approval of Minutes.

MINUTES APPROVED: Commissioner Rice motioned to approve the October 19, 2010 minutes. Commissioner McElwee seconded. Commissioner Buckman and Commissioner Gerdes abstained. The motion carried.

Item 3. Easement Vacate Request: SU-11-001

Nick Pappas gave the staff report for case Su-11-001 Special Use Permit for 237 E. Broadway.

Applicant: Stacy Cahalan was not present. Keith Winge, Executive director for DEP was present to answer questions for Ms. Cahalan.

The special use application for 237 E. Broadway is concurrent with the intent of the City Code and has been approved by all internal departments. The owner will be utilizing the available space on the property to construct an off-street parking pad, accessible by the alley. The square footage of the one bedroom unit will be 756 square feet, and all other Codes will be satisfied. Some exterior alteration will occur on this building. The Historic Preservation Commission has already reviewed this special use request and has recommended approval of the request at the January 12, 2011 meeting.

In accordance with Section 400.180, Subsection F #4: Ground floor spaces shall not be used for residential purposes in buildings with mixed residential and non-residential uses approved hereunder to protect the continuity of streetside commercial activity in this district.

Staff report:

- a. This requirement necessitates an interpretation of the intent of the Code. By the literal meaning, living units should be atop commercial uses to maintain storefront continuity. However, regardless of where the living unit is in relation to the storefront (above or below), so long as streetside commercial uses are maintained at the Broadway Avenue level there should be no issue regarding continuity.

- b. Since the Code was most likely written at a time when commercial continuity was a problem in the Downtown, and since the vast majority of properties along Broadway, Thompson, Spring, and South streets have the topography that supports the literal meaning of this requirement, it is likely that properties such as 237 E. Broadway were overlooked.
- c. Ms. Cahalan will be utilizing the streetside floor of her building for retail/service uses with an apartment below.

Staff feels this special use request warrants the Commission's recommendation to Council at this time.

Commissioner Buckman asked if the apartment downstairs was finished and if it would be a rental or residence. Keith Winge stated the apartment would be finished and it would be a rental.

Commissioner McElwee suggested that the ordinance be updated.

Commissioner McElwee motioned to approve SU-11-001 request. Commissioner Rice seconded. The motion carried.

Item 4. Comments of Visitors

There were no visitor comments.

Item 5. Comments of Commissioners

Commissioner Buckman stated the city crews have done a great job during the recent snow storms.

Item 6. Adjourn

Commissioner McElwee motioned to adjourn the meeting, Commissioner Rice seconded. Motion approved. Meeting adjourned at 6:09 p.m.

Kathy Twitchell, Secretary to the Commission