Acting Chair Mrs. Whiting called the meeting to order at 7:00 p.m. in the Welcome Center. Present: Acting Chair Sarah Whiting, Tom Sacha, Peter Gottfried, Randall Slocum and Robert Hahn. Absent: Chairman Drew Krecicki, George Livingston and James Johnston. Staff: Planning Director Jeffrey Briggs, and Recording Secretary Lisa Smith.

Approval of minutes – March 6, 2012

Motion made by, seconded by to approve the March 6, 2012, meeting minutes. Motion carried unanimously with a 6-0 vote.

PUBLIC HEARINGS:

REQUEST OF CNL COMMERCIAL REAL ESTATE FOR: CONDITIONAL USE APPROVAL UNDER THE LARGE BUILDING AND DRIVE-IN ORDINANCES TO CONSTRUCT A THREE STORY, 88,366 SQUARE FOOT, OFFICE BUILDING ON THE SITE OF THE FORMER STATE OFFICE BUILDING AT 941 W. MORSE BOULEVARD, ZONED (O-1).

Mr. Hahn announced that he has a conflict and will not be voting on this issue.

Mr. Briggs stated that this item is a request for preliminary conditional use approval by CNL Commercial Real Estate to redevelop the former State Office Building property at 941 W. Morse Blvd. with a new three story 88,366 square foot office building. It is a conditional use as it is over 10,000 square feet and has a drive-in teller component. A city-wide notice of these public hearings has been mailed to all 14,500 households in the City as well as notices mailed to the property owners within 1,500 feet. In addition he noted that a work session was held with the P&Z Board and the applicant on March 21st. He reviewed the site and context of the request, provided property history, the current project request, details on parking, building height, architectural elevations, tree preservation, storm water retention, landscaping and the drive–in tellers. Staff recommended preliminary approval of the request subject several conditions being included in the plans submitted for “final” conditional use approval. Mr. Briggs responded to Board member questions and concerns.

Tom Cunningham, of CNL Real Estate represented the applicant. He reiterated their request for preliminary conditional use approval. He introduced the members of the development team. He stated that they are in agreement with the staff report and in agreement with the conditions recommended by staff. Steve Belflower, with Hunton Brady, presented the architectural elevations of the proposed project. He responded to Board member questions and concerns. Rick Baldocchi, Avcon Engineering, presented the site plan descriptions detailing the design parameters for drainage, the drive thru, service areas for loading and unloading, landscaping and parking. He added that the dumpster will be relocated as previously discussed. In addition they are in agreement with the change to the drive-thru tellers. He responded to Board member questions and concerns.
Samir Jallad, 1830 West Fawsett Road, spoke in support of the request. He said that he feels that the City needs to make an effort to attract more businesses that require class “A” office space. He added that he feels that it will be an attractive project.

Lurline Fletcher, 790 Lyman Avenue, expressed concern with the proposed height of the building and the effect that the glare from the building will have on the adjacent residential neighborhood.

Jim Barnes, owner of the Bank First Building, 7 Isle of Sicily, spoke in support of the project. He said that he feels that it will be complimentary to his building and he feels that the issues that were important to Bank First (relocation of the dumpster and landscape screening of the drive-thrus) have been addressed by the applicant. He said that he supports the additional height as it is needed in order to be a class “A” building.

The P&Z Board asked questions concerning the design of the storm water exfiltration system, the landscaping design, building and floor to ceiling heights, mechanical equipment heights, methods to screen the tellers, traffic flow design and parking needs. Mr. Cunningham, Belflower and Baldocchi responded.

No one else wished to speak concerning the request. Public Hearing closed.

The Board members discussed the request. Ms. Whiting stated that she was in support of the project and felt the design was very well presented and that the project would be a great asset to the City. She asked for clarification of the variances to the width of the landscape islands. Mr. Briggs explained that the parking lot features a protected pedestrian walkway for pedestrian safety that is not required by Code. The trade-off is that the landscape islands are 1-2 feet narrower than code in order to create this walkway and still meet the parking numbers. Ms. Whiting also asked for further explanation for the building height variance which was addressed by the applicant. Mr. Sacha stated that he appreciated the presentation made by the applicant and also the detail on the height issue. He asked the Board to clarify in the motion that the traffic flow for the tellers would be reversed (as agreed to by the applicant) with exit onto Morse Blvd. He added that he feels that this is what the City needs to see at this location and that the conditions recommended by staff and agreed to by the applicant make it a better project. Mr. Slocum noted that he agreed this was a very good project and would like to see a condition added that addresses the flow of traffic exiting from the tellers and the setback on Denning. Mr. Gottfried stated that he thinks this is a great project and that the minor landscape variances are insignificant when you consider they are adding landscaping to a “sea” of asphalt, providing retention and bringing the property up to Code in many respects.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to grant preliminary conditional use approval of the request subject to the following conditions:

1. That the dumpster is relocated to the rear of the property.
2. That the drive-in teller component be screened substantially from view from the property to the west (Bank First) and that the direction of the car traffic be reversed so that it is a one-way exit onto Morse Boulevard.
3. That the two parking spaces along Denning Drive at the northeast corner of the site/parking lot are eliminated in order to increase the landscape frontage and visual appeal of the site.
4. That the building height variance be approved as requested (4.5 feet) and that any variance needed for the building height screen wall for the rooftop AC/mechanical be also granted to match the specifications for the height of that equipment. The parapet will be equal or less than three feet and that the mechanical/AC equipment is to be screened and recessed from the edge for visual purposes. That the site be granted the minor parking variances to accommodate for the dumpster relocation, drive-in teller screening, increased landscaping on Denning and usable/leasable floor area of the building.
5. Relocation of the building approximately 2.5 feet to the west so that all floors of the building rotunda meet the 10 foot setback from Denning Drive.
6. That the street landscape strip be according to code which is 7 feet.

Motion carried unanimously with a 4-0 vote. Mr. Hahn abstained.
REQUEST OF MR. BARRY RENDER FOR: SUBDIVISION APPROVAL TO SPLIT THE PROPERTY AT 1200 HOWELL BRANCH ROAD INTO TWO SINGLE FAMILY LOTS, ZONED R-1AA. A VARIANCE IS REQUESTED FOR THE RESPECTIVE LOT WIDTHS OF 82.5 FEET IN LIEU OF THE REQUIRED 100 FEET AND LOTS AREAS OF 6,850 SQUARE FEET IN LIEU OF THE REQUIRED 10,000 SQUARE FEET.

Planning Director Jeffrey Briggs said that this item is a subdivision or lot split request for the property at 1200 Howell Branch Road to split the property into two single family lots. He gave the Board an overview of the request as far as site and context; the purpose of the request, zoning history, and the effect on the neighbors. He summarized by stating that staff is pleased that Mr. Render has purchased this property and desires positive redevelopment to the existing deteriorated structure. The property shape poses hardships with respect to the building setbacks and the property location on busy Howell Branch Road justifies the lot size variances. Staff recommended approval for the subdivision split into two lots and the establishment of the building setbacks as requested per the attached plans. Mr. Briggs responded to Board member questions and concerns.

Barry Render, the applicant, 2630 Via Tuscany, provided Board members with the history of the subject property, known to many as the “predator” house. He stated that there have been so many problems over the years with undesirable renters in this house that he decided to buy it so that this property would not be a nuisance to the neighborhood. He also responded to board member questions concerning vehicular movement for the proposed project.

Jim Koegh, 1024 Tuscany Place, stated that he is opposed to the redevelopment proposal presented by the applicant because the plans are essentially for a duplex. He stated that he is pleased Mr. Render has bought the property but he cannot support what is in effect a duplex as this would be precedent setting and it would have a negative impact on the surrounding residential neighborhood property values.

Edward Coutant, owner of 1033 and 1037 Tuscany Place, opposed the zero lot line part of this request (duplex) and said he feels that he would look out of character for the neighborhood.

Paul Morgan, 1056 Tuscany Place, expressed concern with if the request is approved, does it set a precedent.

Dee Morgan, 1056 Tuscany Place, requested clarification that the property will remain R-1AA.

Mr. Render spoke again and said that he and his neighbors are great friends and that he is not offended that they are in opposition. He indicated his willingness to construct two smaller “stand alone” single-family residences as he is not married to the attached homes concept. He asked for some relief on the setbacks between the two new houses if the lot split is granted. He said that he is financially not able to construct a bigger home at this time.

No one else wished to speak concerning the request. Public Hearing closed.

The Board members discussed the pros/cons of the applicant’s proposal. Mr. Sacha said that he feels that the issue should be tabled in order to allow the applicant an opportunity to come back with more substantive plans for the property. They discussed the pros/cons of the applicant’s proposal to construct two smaller homes, the requested setback variances and traffic circulation for the property. Mr. Briggs noted that the lot split could be approved and the applicant is required to go thru the P&Z public process for the home design via the site plan review process, as we have done this many times in the past. That way the neighbors will see the exact homes to be built and can voice any concerns they have at that time.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the lot split together with 15 foot rear and interior five-foot setbacks and that the house designs come back to P&Z for review and approval following public notice to the neighbors. Motion carried unanimously with a 5-0 vote.
REQUEST OF JAMES AND TOREN VEIGLE TO: AMENDING ARTICLE I, "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS CHANGE THE DESIGNATION OF OFFICE TO COMMERCIAL ON THE PROPERTIES AT 1245, 1299, 1301 AND 1303 W. FAIRBANKS AVENUE.

REQUEST OF JAMES AND TOREN VEIGLE TO: AMENDING ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING DESIGNATION OF OFFICE (O-1) DISTRICT TO COMMERCIAL (C-3) DISTRICT ON THE PROPERTIES AT 1245, 1299, 1301 AND 1303 W. FAIRBANKS AVENUE.

Planning Director Jeffrey Briggs presented the staff report. He explained that this item is a request to change the Comprehensive Plan future land use map and zoning map to rezone five properties from office (O-1) to commercial (C-3) at 1245, 1299, 1301 and 1303 W. Fairbanks Avenue. He gave the Board an overview of the request as far as site and context; the purpose of the request, zoning history, and the effect on the neighbors. Mr. Briggs responded to Board member questions and concerns. Mr. Briggs noted that the applicant has asked for C-3 zoning but the City’s C-3A zoning district is the specific zoning district that is intended to be used in locations close to residential neighborhoods. Some of the objectionable business types are prohibited (bars) and others (restaurants) are conditional uses. Those districts are attached for your review. The City is only recommending approval of the C-3A zoning which still meets the needs of the applicants for flexibility for retail and barber/beauty salon. However, to solve the 24 hour issue, staff is recommending that the ordinance contain a restriction prohibiting any business from being open after 9:00 pm. He summarized by stating that the staff is sympathetic to the applicants who just want some more flexibility in leasing to a wider range of tenants. However, staff is also sympathetic to the real concerns of the neighbors that are asking the City to protect their privacy and peaceful living environment by protecting them from late night businesses. Staff recommended approval of C-3A zoning with the restriction on the hours of business operation no later than 9:00 pm.

Jim Veigle, the applicant, was present to address Board member questions and concerns. He discussed the history of the property. He also discussed prior concerns of the neighbors. He indicated his willingness to limit the types of tenants that he is willing to rent to, and also that he in agreement that no business will operate after 9 p.m.

Mary Black, 1334 Dallas Avenue, spoke in opposition to the request. She said that she does not feel that the requests do not meet the minimum setbacks requirements. She read into the record, sections of the City’s Comprehensive Plan that she felt back-up her concerns. She also expressed concern that the applicant has not submitted a specific plan in order to ensure that the requirements of C-3A zoning are met.

Thomas Drake, 500 Shoreview, also spoke in opposition. He stated that he is opposed to rezoning the property to commercial given its close proximity to the residential neighborhood. He also read into the record, excerpts from the City’s Comprehensive Plan.

No one else wished to speak concerning request. Public Hearing closed.

The Board members discussed the request. Mr. Hahn spoke concerning the long term planning efforts for Fairbanks Avenue. He suggested that the item be deferred until that study is complete. Mr. Sacha agreed. He said that he feels that the entire corridor should be reviewed as a total entity versus “piece milling”. Mrs. Whiting and Mr. Gottfried expressed that they saw no compelling reasoning to change and felt that the residents made good points. Mr. Slocum stated that he does not feel that current structures do not meet the criteria of what they are requesting.

Motion made by Mr. Gottfried, seconded by Mr. Hahn to deny the comprehensive plan request from office to commercial. Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Gottfried, seconded by Mr. Hahn to deny the rezoning request from O-1 to C-3. Motion carried unanimously with a 5-0 vote.
LAKEFRONT SITE PLAN REVIEWS:

REQUEST OF MR. MAYS FOR: APPROVAL OF A SECOND STORY ADDITION AND REMODEL TO HIS HOME AT 1805 BARKER DRIVE ON LAKE SPEIR.

Senior Planner Stacey Hectus presented the staff report. She explained that Mr. Mays is requesting approval for a proposed second-story addition and remodel to his single-family home located at 1805 Barker Drive on Lake Spier. She noted that the existing home is 2,283 square feet and the proposed addition will be adding 986 sq. ft. for a total for a new total square footage of 3,269 sq. ft., which is within the allotted maximum of 4,500 sq. ft. for the FAR. This home has impervious lot coverage of 31% within the maximum 50%. This home meets the 50% required front yard landscape coverage. Mrs. Hectus also reviewed tree preservation, view from the lake, view of the neighbors, and storm water retention. Staff recommended approval of the request. She responded to Board member questions and concerns.

Kevin Mays, 1805 Barker Drive, the applicant was present. He responded to Board member questions and concerns. No one wished to speak concerning the request. Public Hearing closed.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the request subject to: sensitivity being shown for the camphor tree and moving the a/c unit closer to the garage. Motion carried unanimously with a 5-0 vote.

NEW BUSINESS:

There were no items of new business.

There was no further business. Meeting adjourned at 9:22 p.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary