

MINUTES OF THE ZONING COMMITTEE
Thursday, January 28, 2021 - 3:30 p.m.

PRESENT: Baker, DeJoy, Grill, Hood, Rangel Morales, and Syed
EXCUSED: Edgerton and Lindeke
STAFF: Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Baker. He stated that the chair of the Planning Commission had determined that due to the COVID-19 pandemic it is neither practical nor prudent for the Zoning Committee to meet in person, and therefore the meeting was being conducted remotely, with all members of the Zoning Committee attending the meeting remotely. The public is also able to join the meeting remotely and can speak during the public hearing portion or submit comments by noon on the day before the meeting.

1346 Arcade St. LLC - 20-096-344 - Change and expansion of nonconforming use to add auto repair and outdoor auto sales to existing auto body shop and dwelling. Variances for parking (24 spaces required for customers, employees, residents and vehicles on the lot for repair, 8 spaces proposed), distance between vehicular access and the Arcade-Clear intersection (60 ft. required, 13 ft. proposed), and landscaping (4 ft. wide landscaping and screening wall or fence along public sidewalk required, no setback or landscaping proposed). 1344 - 1346 Arcade St, SE corner of Clear Avenue and Arcade Street

Bill Dermody stated this item was laid over from the January 14, 2021 Zoning Committee meeting to allow staff to provide alternative findings and guidance to the Zoning Committee that might support allowing vehicle cleaning in the garage addition behind the house and allowing the spray booth addition and Clear Avenue curb cuts to remain. He said that the original staff recommendation is unchanged, and he presented a memo with alternative findings and conditions for the committee's consideration. He said District 5 continues to recommend approval with conditions, and there were 2 letters in support, and no letters in opposition.

The public hearing was closed at the January 14, 2021 Zoning Committee meeting.

In response to Commissioner Grill, Mr. Dermody said that there is no change to the garage addition behind 1334 Arcade from the original staff report. There was a desire for clarification to state that it would have eight parking spaces available to the business.

Commissioner DeJoy moved approval with conditions of the change and expansion of nonconforming use to add auto repair and outdoor sales and denial of the variance of required parking, and approval with conditions of variances of required landscaping and minimum distance between vehicular access and the Arcade-Clear intersection, as stated in the memo with alternative findings dated 1/27/21. Commissioner Grill seconded the motion.

Commissioner Hood asked which of the nine conditions in the memo presented did the applicant find objectionable.

Mr. Dermody said that the applicant completely agrees to conditions 3, 4, 7, and 8. He would like clarification to conditions 5, 6, and 9. He would like significant amendments to conditions 1 and 2 and would like the parking variance to be approved.

In response to Commissioner Baker, Mr. Dermody confirmed that in the memo the initial conditions listed in the original staff recommendation to remove the spray booth and Clear Avenue curb cuts have been removed.

Commissioner Hood said that the city is currently trying to reduce parking minimums, and this seems to be a good candidate to approve the reduction of required parking spaces. He questioned if condition 4, employee vehicles, for-sale vehicles, repair vehicles, and any other vehicles associated with the business must be parked on-site, and shall not be parked on streets or alley, could be amended to

encourage rather than require no parking in the streets because it is difficult for the business to enforce where people may park.

In response to Commissioner Hood, Mr. Dermody explained the reasoning behind condition 4, in the memo presented. He said what they have found on other problematic auto repair sites is that vehicles that have been serviced and are waiting for pickup tend to get parked up and down neighborhood streets and sit for weeks and that can cause a lot of problems. If there were a conversion in the language from "shall" to "suggest" in the condition, it would be difficult for the Department of Safety and Inspections to enforce keeping cars off of the street.

Mr. Torstenson said that the parking regulation study and how they view the parking regulations and parking needs that can be reduced through alternative modes of transportation doesn't apply to the need for parking of vehicles that are at the site to be repaired. Also, historically there have been major issues with these types of businesses where cars that have been repaired or waiting to be repaired are parked up and down the streets causing problems for the neighborhoods. The reason we have the regulation is to make sure the site is large enough for the vehicles to be parked on the site instead of spilling over into the neighborhood streets.

Commissioner DeJoy said this is an auto related business. It specifically requires the cars to be dropped off and serviced. This section of Arcade Street has had problems in the past and during the Small Area Plan for Arcade Street there was a moratorium on any auto related businesses because of the issues so she thinks the condition should remain the same.

Commissioner Hood said he would like to add an amendment that would reduce the number of parking spaces on site.

Mr. Dermody explained that the staff recommendation has not changed. He has worked out alternative findings that could support a partial or total granting of the parking variances, but he is finding difficulty in how finding 6c, pertaining to practical difficulties, could be met. From staff's point of view this is an expansion of business on the inside and outside with the addition of auto sales. He is finding it difficult to see where the practical difficulty is, and he would appreciate language from the Committee to show how that finding could be met.

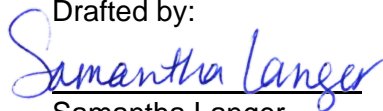
Mr. Torstenson added that if there is a motion to grant a variance for parking requirements there needs to be a discussion about how it meets all of the requirements for a variance including circumstances unique to the property not created by the landowner. The reason for the variance is created by the landowner because he is adding to the nonconforming uses on the site and taking away parking spaces that would make it meet the requirement.

Commissioner DeJoy said her motion stands as previously stated with no changes.

The motion passed by a vote of 6-0-0.

Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:


Bill Dermody (Feb 12, 2021 13:18 CST)

Bill Dermody
City Planner

Approved by:


Cedrick Baker (Feb 13, 2021 08:21 CST)

Cedrick Baker
Chair









1346 Arcade minutes 1-28-21 - for signature

Final Audit Report

2021-02-13

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