



**MINUTES**  
**PLANNING & ZONING COMMISSION**  
*Regular Meeting/Public Hearing*  
*Thursday, April 13, 2006 - 9:00 AM*  
*City Council Chambers*

**I. CALL TO ORDER**

Chairman Michelman called the meeting to order at 9:00 AM.

**II. ATTENDANCE**

<p><b>MEMBERS PRESENT:</b> Don Michelman, Chairman Joe Gardner, Vice-Chairman Dick Rosa Len Scamardo George Wiant</p> <p><b>MEMBERS ABSENT:</b> Tom Menser Seymour Petrovsky</p>	<p><b>OTHERS PRESENT:</b> Tom Guice, Community Development Director George Worley, Assistant Community Development Director Gary Kidd, City Attorney Dick Mastin, Engineering Services Manager Mike Bacon, Community Planner Kathy Dudek, Recording Secretary Jim Lamerson, Liaison Councilman Bob Luzius, Councilman</p>
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**III. REGULAR/ACTION ITEMS**

(May be voted on contingent upon any related public hearing item below also being acted on unless otherwise noted).

1. **Approve the minutes** of the 03-30-06 public hearing.

Mr. Scamardo, **MOTION: to approve the minutes** of the March 30, 2006 meeting.  
Mr. Rosa, 2<sup>nd</sup>. **Vote: 5-0.**

2. **SP05-020, 1206 Stetson Road. Hartin Suites Condominiums.** APN: 114-06-085 and totaling ± 1 acre. Zoning is Business General (BG). Request preliminary plat approval for 29 lots. Owner is Hartin Suites, LLC. Applicant is Michael Taylor Architects. Community Planner is Mike Bacon.

Mr. Bacon updated the staff report and indicated the revised plan includes 29 condominiums. The applicant is requesting a Planned Area Development (PAD) for this project. The permissible exceptions under PAD status are: open space, parking, and maneuvering space. Mr. Bacon further reviewed that under the *Land Development Code*, Section 9.5.10: 1) landscaping is not being provided; and, 2) the

applicant is asking for an open space exception. Staff is requesting that a solid screen of plantings be placed along Stetson Drive as a condition of approval.

Commissioners queried and commented on:

- why the open space requirement should receive an exception, and a concern with setting a precedent;
- concern with losing apartments from the inventory that are needed; and,
- this project favors the developer, not the community.

Mr. Stan Hitson, Michael Taylor Architects, 118 S. Pleasant, noted that:

- this project benefits the community as it lowers density;
- the project goes from being a low-rent, transient situation to one that people will take pride in owning; and
- additional landscaping at the corners has been provided in the revised set of drawings.

Commissioners further queried and discussed:

- the lack of a strong recommendation by staff;
- the lack of an alternative parking plan being given as requested at the March 30, 2006 meeting;
- an alternative parking plan that would include more landscaping;
- the preference of the developer's installing a stem wall with landscaping along Stetson Drive and Hartin Street that would be at a height to conceal the car/carhoods from the street; and,
- the possibility of removing a total of four units instead of the two units.

Mr. Bacon stated that all conversions, i.e., apartments to condominiums, are taken on a case-by-case basis. Sometimes staff needs direction from Commission on how the conversions are to be done.

Mr. Worley indicated that Commission could make a recommendation for site design and landscaping. The site is designed for multi-family use, i.e., apartments or condominiums. Affordable housing is not subject to the *LDC* and should not be an issue of this request.

Mr. Wiant, for the record, stated that he is tired of low-cost housing being referred to continually when it isn't low-cost housing.

Mr. Rosa, **MOTION: to approve SP05-020**, 1206 Stetson Road with the following conditions: that a solid wall be placed along Stetson with plantings in front of it, and that the landscape plan be submitted and approved by staff along both Stetson Road and Hartin Street.

Discussion ensued regarding:

- the conditioned wall might be located on City property;
- the project's being too crowded, and the recommendation that two more units be removed from the request;
- a concern with this being only a recommendation to Council, not a condition of Council's approval, and a lack of recourse by Commission;
- a firm commitment to the developer's constructing a wall where conditioned;

- the fact that two parking spaces are required for each unit;
- measurements for compact cars cannot be used in the parking calculation as shown on the preliminary plat;
- the need for a variance from the Board of Adjustment to reduce parking requirements, (with City legal counsel concurring); and,
- the ingress/egress accessibility along Stetson and mitigation with a diagonal parking pattern; and,
- “pirating” what should have been the landscaped area by the previous owner and “over packing” the original buildout.

Mr. Hitson asked permission to speak and referenced the following:

- putting in plantings within the next two weeks’ so that this request would become workable before Council votes on this issue;
- a request to reduce the parking count from 64 required spaces to 62 spaces;
- an 8-inch concrete wall along Stetson is not possible because it would have to be placed on City right-of-way; and,
- the inability to accommodate the loss of 11 parking spaces on Stetson and the inability to engineer diagonal parking.

Chairman Michelman asked for a second to the motion and none occurred.

**Motion dies for lack of a second.**

Chairman Michelman questioned if the request is denied will the owner have the opportunity to come back to Commission at a later date with a different request? (Mr. Bacon: certainly).

Mr. Gardner, **MOTION: to deny SP05-020.** Mr. Wiant, 2<sup>nd</sup>. **Vote: 4-1** (Rosa).

Mr. Rosa explained his vote and stated that to remove two additional units, major work would be necessary that might throw the project in jeopardy. The project in the way it is shown could be cleaned up enough to make it work.

- 3. SP05-018, Cedarwoods on Robinson Drive. (444 S. Robinson Drive).** APN: 110-05-002 and totaling ± 4.48 acres. Zoning is Multi-Family Medium (MF-M). Request preliminary plat approval for 9 duplex-type buildings for 18 townhomes (2 townhomes per building). Owners are Vince Fornara and Steve Perry. Applicant/ Agent is Michael Haywood & Associates. Community Planner is Mike Bacon.

Mr. Bacon reviewed the staff report and indicated that the project will be developed without a need for any waivers. Approximately 51% of the area is to remain as open space. The project is in conformance to the Code.

The actual rezoning condition of approval (in 1994) takes precedence and this project may be developed without a waiver of the *LDC’s* Hillside Development requirements.

Commissioners queried and remarked on:

- concerns with run-off water and traffic on Robinson Drive;
- the required 10’ landscaped area along Robinson Drive;
- the Southside Circulation Study conducted in 2003 which is just beginning to

- be contracted in 2006;
- the reduction of 40 units to 18 units being commendable on the part of the developer;
- plans for parking above-and-beyond the required 2 spaces per unit; and,
- additional parking spaces between the units.

Mr. Michael Haywood, 115 E. Goodwin Street, agreed that there would certainly be an opportunity for additional parking spaces between some of the units. No parking signs will be posted as per the request of the Fire Department.

Commissioners further queried and commented on:

- the “no parking” along the private road in front, and the safety factors involved;
- traffic from this area has been improved with additional access from the north and the south; and,
- the developer’s having to improve Robinson Drive when the remainder of the street is improved.

Mr. Barry Slaten, 324 Robinson Drive, commented on:

- seeing this parcel revisited many times over the years;
- drainage and parking concerns;
- the two-year moratorium for a traffic study and the subsequent replatting of Newport Heights subdivision’s 52 lots;
- the neighborhood’s having carried its own and the need for the City to make improvements along Robinson Drive, i.e., sidewalks, drainage, etc.; and,
- the narrowness of Robinson Drive and accessibility issues for fire trucks, etc.

Mr. Mastin indicated that the CYMPO 2030 regional study is underway. A new southeast-south traffic analysis will provide guidance for the City. There is no time-frame for this being accomplished; however, the developer will have to absorb the costs when the time comes to improve Robinson Drive.

Commissioners further queried and remarked about:

- this is a preliminary plat request that meets all Codes;
- the developer will have to detain water and will not be permitted to increase run off to other parcels;
- the inability to demand a developer to do that which has not been requested of a developer before;
- the neighborhood’s forming an improvement district to mitigate the problems of Robinson Drive; and,
- the developer’s requirement to pay for one-half the costs for curb, gutter and sidewalks along Robinson Drive.

Mr. Mastin responded that the three driveways, as outlined in the plat, meet City Code. The present driveways are on the developer’s property. If there is an Improvement District formed on Robinson Drive, the developer will be required to do his share of improvements. The developer is required to pay into the Improvement District and pay for the improvements at the time improvements are made on Robinson Drive.

Mr. Wiant: **MOTION: to approve the preliminary plat, SP05-018.** Mr. Rosa, 2<sup>nd</sup>.

**Vote: 5-0.**

**IV. PUBLIC HEARING ITEMS**

(May be voted on March 30, 2006 unless otherwise noted).

None.

**V. CITY UPDATES**

None.

**VI. SUMMARY OF CURRENT OR RECENT EVENTS**

None.

**VII. ADJOURNMENT**

Chairman Michelman adjourned the meeting at 10:29 AM.

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Donald Michelman, Chairman