

MILLWOOD PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 22, 2010
MEETING MINUTES

1. Call to Order. The Regular Meeting of the Millwood Planning Commission was called to order by Chairperson John Newman at 6:02 p.m. February 22, 2010 at the Millwood City Hall. Members present were: John Newman, Bobbie Beese, Kelly Stravens and Dan Hansen. Staff present: Tom Richardson, City Planner, and Brian Werst, City Attorney.

Mr. Richardson announced that Tammy McQuaig has submitted her resignation from the commission.

2. Approval of Minutes. Ms. Beese moved to approve the minutes of the February 8 meeting. Motion seconded by Mr. Stravens. Motion carried unanimously. Ms. Beese moved to approve the minutes of the February 10 special meeting. Motion seconded by Mr. Stravens. Motion carried unanimously.

3. Public hearing – VAR 10-01 Josey and Cheryl Booth.

Mr. Newman asked if any commission members had any appearance of fairness issues to declare. There were none. He asked if anyone present wished to challenge any of the members' participation in the hearing. There were none. He opened the hearing at 6:10 p.m.

Mr. Richardson gave his staff presentation on the application for a variance from the side yard setback for the house at 8910 E. South Riverway to allow an addition built up to the property line. The code requires a five-foot setback for the main building. The applicant states that the location of the unimproved alley next door gives adequate setback from the neighbor to the east and that he should be allowed to use the property up to the property line. Mr. Richardson reviewed the decision criteria specified in the ordinance. He explained the process of vacating the alley which was mentioned in the staff report as an alternative to the variance.

Jim Warner, the owner's building contractor, spoke on behalf of the applicants, Josey and Cheryl Booth. He said the owners cannot wait months for the vacation process because they need to remodel the home right away to take care of a mold problem. He showed how the alley is being used for lawn and is not being driven on.

Ms. Beese asked if a smaller setback would work for the owners. Mr. Warner said the maximum setback that will allow construction of a two-car garage would be two feet. She asked about how the runoff from the roof would be dealt with. Mr. Warner said he would make sure that all the water would shed onto the owner's property. She asked what the code says about allowing eaves and other extensions to extend into the setback. Mr. Richardson said the code allows eaves, cornices and fireplaces to extend two feet into the setback area.

Greg Mott, 3301 N. Argonne, said he visited the site and took measurements. The alley is passable all the way from Bridgeport to South Riverway, and is an important link between those

two streets because of the length of the block. He said Avista needs the alley to give them access to their poles. He is concerned about flow of water off the roof and needs to be kept on their property. There is already a water flow problem on the street there.

Mr. Hansen said the alley is valuable as a pedestrian way through the long block from Argonne to Marguerite and should not be vacated by city council.

Mr. Newman closed the public hearing at 6:27 p.m.

Mr. Werst reminded the commission that there is a very high standard for approving a variance and that the criteria must all be clearly spelled out in the written findings.

There was consensus that the alley vacation alternative was not acceptable.

The commission discussed the application in terms of each of the decision criteria.

Ms. Beese stated that it is expected that a house would have a two-car garage and the inability to build a two-car garage would be a hardship. Houses with a two-car garage help to maintain the economic value of the neighborhood and help to retain owner-occupancy rather than rentals.

Mr. Hansen questioned whether the lack of a two-car garage would be considered a hardship. He asked is not the property already being put to a reasonable and permitted use as a residence.

Ms. Beese said the presence of an unimproved alley is a special circumstance. She thinks granting the variance would preserve the intent of the zoning ordinance since it is unimproved and not being used for vehicles.

Mr. Stravens noted that the applicant cannot build a two-car garage in the rear yard because the city has not maintained the alley and it cannot be used to access the rear yard.

Mr. Newman moved to approve the variance with two conditions, a) that the setback be two feet, and b) that the roof drainage be kept on the owner's property. Motion seconded by Mr. Stravens. Motion carried unanimously.

Mr. Richardson said he would place this on the council agenda during a closed record hearing.

The commission changed its agenda for the convenience of those in attendance.

5. Public Hearing: 2001 Comprehensive Plan Amendments

CPA 10-06 Accessory Buildings. Mr. Richardson explained the latest draft of the proposed amendment which was written up based on the previous meeting's discussion and also on a subsequent meeting he had with the applicant, Dave Cox and his parents. The proposal would base the maximum amount of accessory buildings on a percentage of the lot size, increase the maximum height from 20 to 25 ft, and allow for a waiver by the neighboring property owner. He noted that the attorney has suggested adding additional language requiring the waiver to be recorded with the county auditor to put future property owners on notice.

Ms. Beese said she thought we were just talking about the UR-1 zone. Mr. Richardson said he included the other residential zones because he received a letter from a UR-2 property owner on Dalton who asked for a change in accessory buildings on large lots in his zone. She said she is concerned about unintended consequences from using the proposal in the other zones. Mr. Stravens agreed.

Ms. Beese presented the results of her research using the county assessor's records. In the UR-1 zone she found 21 large accessory buildings: 16 were 1200 ft or less, six were 1200 sq ft and were built when the law required 1000 sq ft, five were greater than 1200 sq ft. She said that in order to change the code we need to show what circumstances have changed since the code was adopted. The 1200 ft size seems to be the de facto size in that area.

Chuck Lindquist from Steel Structures of America, asked what the largest lot there is in the UR-1 zone, and whether an owner could build a 60x100 horse arena. He asked what would be the rules if someone has a small lot and just wants a two-car garage and can meet the setback requirements, in order to keep up the property value as discussed during the variance hearing.

Ms. Beese said we need more information before making drastic changes. What are the change of conditions in the UR-2 and UR-3 zones that would warrant a text amendment?

Greg Mott, 3301 N. Argonne Rd., said the setbacks should be more than zero. Zero setbacks cause safety problems where the neighbor's garage will shed snow onto the adjoining property. Mr. Lindquist said this could be taken care of in the roof design.

Ms. Beese asked Mr. Lindquist to clarify the height of a 30x40 ft building with a 16 ft wall (14 ft door) and a 4:12 roof pitch. He said the height would be 21.25 ft.

There was consensus that the changes should be limited to the UR-1 zone, and that the waiver for a two or three foot setback would be acceptable but not for a zero-setback.

Mr. Stravens said he is in favor of increasing the maximum size but there needs to be a limit.

Mr. Stravens moved to defer the matter to the next meeting. Motion seconded by Mr. Newman. Motion carried unanimously.

The chairperson called a five-minute recess at 7:25 p.m. The meeting reconvened at 7:30 p.m.

4. Public Hearing: SSP 10-01 City of Millwood

Mr. Newman opened the hearing at 7:30 p.m. He asked if any commission members had any appearance of fairness issues to declare. There were none. He asked if anyone present wished to challenge any of the members' participation in the hearing. There were none.

Mr. Richardson presented the City's proposal to replace the reader board at city hall. He said it was questionable whether a special sign permit is required for a replacement of the sign, but

decided that the City should use the process to avoid the perception that we are not following our own regulations. The existing sign is not repairable and is obsolete.

He noted that the existing sign is seven feet from the back of the sidewalk. The new sign will be 2 or 3 feet further back. It would be a double-sided sign compared to the existing single-sided sign and would be in a V-shape, and would be mounted a bit higher. The base would be masonry to match the building. Encroaching into the front setback is necessary because it is the only location where a sign could be visible from Argonne.

There was discussion about moving the identification sign to below the message sign if practical, and using darker colors in the identification sign. The commissioners expressed their preference for amber LEDs rather than red. The public information value of the sign was noted.

It was noted that the final design could be brought back after city council has given its approval to the design. City council will also need to give its approval to the contract to install the sign.

Mr. Mott said the sign would be less expensive and look better if the sign base was two brick piers instead of a solid wall. He said the sign should be moved back two more feet from where the existing sign is.

Mr. Richardson said that one negative comment was received from Robert Clow, 9009 E. Dalton, stating that the city does not need the sign.

The public hearing was closed at 8:45 p.m.

Mr. Stravens moved to approve the special sign permit, with the condition that the final drawings will be brought back for review, that the sign be set back nine feet from the sidewalk, and that the height be not more than 96 in. Seconded by Mr. Newman. Motion carried unanimously.

5. Public Hearing: 2001 Comprehensive Plan Amendments

The commission returned to this item to deal with the matters not related to accessory buildings.

- CPA 10-01 Historic Preservation Chapter

Mr. Richardson said the historic preservation society was not able to have the draft of the proposed historic preservation chapter ready for this meeting, but will have it for the March 29 meeting.

Discussion of the sign amendments was deferred due to the late hour.

6. SSP 09-05 Arrow Construction - Written Decision

Ms. Beese moved to approve the written decision as distributed. Motion seconded by Mr. Stravens. Motion carried, with Mr. Hansen abstaining.

7. Staff Report. Mr. Richardson said that anyone interested in the Planning Commission vacancy should contact the mayor.

8. Public Comments. None.

8. Adjournment. Mr. Hansen and Mr. Stravens said they would not be able to attend the regular meeting on March 29. In order to obtain a quorum, the members agreed to hold the March meeting one week earlier on February 22.

There being no further business Mr. Newman adjourned the meeting at 8:52 p.m.

Chairperson

Secretary