Planning & Development Committee Meeting
Minutes of April 22, 2019
6:45 p.m.
James C. Lytle Council Chambers - Lorraine H. Morton Civic Center


STAFF PRESENT: M. Masoncup, J. Leonard, S. Mangum

OTHERS PRESENT:

PRESIDING OFFICIAL: Ald. Revelle

I. CALL TO ORDER/DECLARATION OF QUORUM: ALDERMAN REVELLE, CHAIR
A quorum being present, Ald. Revelle called the meeting to order at 6:54 p.m.

II. APPROVAL OF REGULAR MEETING MINUTES OF APRIL 8, 2019
Ald. Rue Simmons moved to approve the minutes of the April 8, 2019 meeting, seconded by Ald. Wilson. The committee voted unanimously 7-0, to approve the April 8, 2019 minutes.

III. ITEMS FOR CONSIDERATION

(P1) Ordinance 112-O-18 Granting Major Zoning Relief for Building Lot Coverage, Setbacks, and Open Parking at 2626 Reese Ave.

The Zoning Board of Appeals recommends denial of Ordinance 112-O-18 for major zoning relief for the following: 42.5% building lot coverage where a maximum 30% is allowed; 3’ south interior side yard setback where 5’ is required for the principal structure; and 3.5’ street side yard setback where 15’ is required for the principal structure, 8.5’ street side yard setback where 15’ is required for a deck, a 10’ street side yard setback where 15’ is required for a detached garage, and a 1’ street side yard setback where 15’ is required for open parking. The Zoning Board of Appeals determined the proposal does not meet all Standards for Major Variation, specifically that the proposal would result in a substantial adverse impact on the use, enjoyment or property values of adjoining properties, and that the requested variations are not the least deviation from the applicable regulations among the feasible options identified. The applicant submitted revised plans on February 10, 2019 that meets staff’s recommendation by reducing the bulk to a 1.5 story house and reducing the building lot coverage by removing an open parking space, which creates a variation for providing less than two required parking spaces.
Richard Horsting, spoke in opposition to the variance requests for reasons including potential structural issues, water runoff, grading, sewer, flood control, building coverage, parkway trees, and public safety.

Joseph Paradi, spoke in opposition focusing on revised proposal with deeper basement, believing ZBA should review revisions, and noting the ordinance written for previous proposal.

Scott Kirkpatrick, spoke in opposition stating ZBA has recommended against previously and should review new proposal.

Jim Janecek, neighbor of previous development by the applicant in the 9th Ward spoke about issues with sump pump overflow and similar concerns with the proposed development.

Jeff Clark, noted a basement was not present at another house and shared similar concerns to neighbors.

Kathy Miller, spoke in opposition noting ZBA recommendation and stating that nonconforming lots should not be built upon.

Rob Koons, spoke in opposition noting concerns with safety at the end of the alley.

Kim Newman, expressed concerns with lack of parking and construction logistics.

Mark Newman, spoke in opposition, noting water table is only 8-9 inches below grade and the lack of parking on narrow street while agreeing with concerns of neighbors.

Ann Herder, spoke in agreement with opposition.

Colleen Barkley, spoke in opposition with concerns over safety of alley, potential loss or damage to trees, and flooding issues.

Charles Darwall, spoke in opposition noting the number of neighbors in opposition.

Bill Seyle, noted neighbors will live with consequences, not the developer, and believes the facts do not warrant approval per ZBA recommendation.

Troy Dentzer, spoke in opposition agreeing with neighbors that house is too large for lot size.
Nancy Crace, stated that if a house is built it should fit the lot and neighborhood.

Ald. Suffredin hopes committee will vote against the proposal.

Bill James, noted the staff report covered facts and made recommendations of roof design and parking. He feels aggrieved by fairness at ZBA meetings based on neighbor pressure, noting DAPR recommended approval and staff represented as a buildable legal lot. A rational decision process is based on standards within zoning ordinance. Heritage trees are not defined in City ordinance or a reason for denial. Drainage is not an issue and the garage would not pose a safety issue.

In response to Ald. Wilson, Mr. James did not have a sales price but believes $225-$250 per square foot is fair and would hope for $200 per square foot. It is difficult to estimate but possibly $400,000-$500,000.

Ald. Wilson spent time with issue, noting the City has moved toward allowances for substandard developments for affordable houses.

Ald. Rainey noted affordable housing is not affordable without a subsidy.

Mr. James noted that he purchased the lot in 2016 for $75,000.

Director Leonard noted that staff would have stated buildable but variances needed.

In response to Ald. Fiske, Planning and Zoning Manager Mangum could not speculate why area was zoned R1, but stated the Zoning Ordinance allows nonconforming lots to be built upon as long as the development complies with requirements.

City Attorney Masoncupp referred to standards for variations. Staff is correct in stating lot is buildable, but variances are part of the process.

Mr. James believes the lot is buildable similar to existing nonconforming lots.

Ald. Revelle noted many substandard lots and many houses developed with 3' interior setbacks and similar street side yard setbacks. Proposed house is smaller than previously proposed house, but would want to know that the sump pump issue could be resolved. Smaller lots allows for lower cost housing.
Ald. Wynne, believes neighbors have legitimate concerns with interior side setback and stormwater with water table. Should look at different standards for smaller lots or deem to be unbuildable.

Ald. Rue Simmons stated she is not in support.

In response to Ald. Fiske, Director Leonard stated proposal did not return to DAPR following changes after first P&D meeting.

Ald. Rainey thought new house was a better design.

Ald. Wilson cautioned that neighbors might end up with a more creative solution such as multiple smaller homes.

In response to Ald. Wilson, Public Works Director Dave Stonebeck noted that when basements are below water table issues are caused with sump pump running continuously.

Mr. James referenced 544 Wesley that had issue with water table, but it is highly localized and not known until excavated.

In response to Ald. Fiske, Director Stonebeck explained that Kendall Place was allowed to use relief sewer as a unique case.

Ald. Rainey noted water table issue is throughout City and is not a common problem.

Ald. Suffredin believes house too big for lot and should be rejected for this reason.

**Ald. Rainey moved to Introduce Ordinance 112-O-18, seconded by Ald. Wilson. The Committee voted 1-6 on the motion to Introduce the item. The item was not Introduced.**

(P2) **Ordinance 32-O-19, Granting a Special Use and Zoning Relief for an Automobile Service Station and Convenience Store at 140 Chicago Avenue**

The Zoning Board of Appeals and City staff recommend adoption of Ordinance 32-O-19 granting special use approval and major zoning relief to reconstruct an Automobile Service Station, Mobile, a Convenience Store, and for a 21’ two-way drive aisle where 24’ is required, at 140 Chicago Ave in the C1 Commercial District. The applicant has complied with all zoning requirements and meets all of the standards for a special use and variation for this district. Alderman Rainey request suspension of the rules for Introduction and Action at the April 22, 2019 City Council meeting.

**For Introduction and Action**
Ald. Rainey stated that neighbors were in support.

Ald. Wynne moved for suspension of the rules to Introduce and Approve Ordinance 32-O-19, seconded by Ald. Rainey. The Committee voted 7-0 to Introduce and Approve the item.

IV. ITEMS FOR DISCUSSION

V. COMMUNICATIONS

Director Leonard stated that a reminder email would be sent to complete a survey regarding public benefits for planned developments.

VI. ADJOURNMENT
Ald. Rainey moved to adjourn, seconded by Ald. Wynne. The meeting adjourned at 8:16 p.m.

Respectfully submitted,
Scott Mangum
Planning and Zoning Manager