

**Planning Commission**  
**Minutes**  
**January 5, 2017**  
**5:30 p.m.**

*Robert Froehling, Chairman*  
*Keith Raym*  
*Doug Smith*  
*Phillip Jannarone*



*Dee Atkins*  
*Charles Kish*  
*Joe Chrietzberg-Alternate Seat 1*  
*Vacant, Alternate Seat 2*

1. Roll Call

Chairman Froehling called the meeting to order at 5:30 p.m.

*Commissioners present:* Chairman Froehling, Commissioner Atkins, Commissioner Smith, Commissioner Jannarone, Commissioner Kish, Commissioner Raym

*Commissioners absent:* Commissioner Chrietzberg

*Staff Present:* Planning and Development Services Director Jackie Gorman, City Attorney Carrie Felice, City Clerk Mia Fink

2. Moment of Silence

3. Pledge of Allegiance

4. Adoption of Agenda

**Motion to adopt the agenda was made by Commissioner Atkins; seconded by Chairman Froehling. Motion carried unanimously.**

5. Approval of Minutes - *November 3, 2016*

**Motion to approve the minutes was made by Commissioner Jannarone; seconded by Chairman Froehling. Motion carried unanimously.**

6. Citizen Input

**Jackie Gorman- Planning and Development Services Director-** Recognized the many years of service provided by Mr. Bob Mercer, who served on the Board since November of 2008.

7. Public Hearing - ***Quasi-Judicial Hearing- Variance Case #V-2017-1 - 1540 NW 20th Avenue, Woodland Estates -***

Ms. Gorman provided an overview of the item, a request to allow for a section of covered walkway (approx. 48 s.f.) within the 25' waterfront setback.

Chairman Froehling read into the record the following instructions to the Commission:

*If any individual plans to speak or offer testimony during any of the public hearings listed on the agenda, which are quasi-judicial in nature, please rise and be sworn in by the Clerk.*

Michael Martin and Jackie Gorman were sworn in by the City Clerk.

Chairman Froehling continued with the quasi-judicial procedure:

*Please note that only competent, substantial, fact-based testimony or evidence will be considered by the Commission in deciding the quasi-judicial matters listed on today's agenda. Pure speculation or mere opinion, not based on competent facts, cannot be legally considered by the Commission in weighing the appropriateness of the quasi-judicial application. Lay testimony with fact-based support (e.g. minutes, surveys, engineering reports, etc.) may be considered competent and substantial evidence. If you intend to speak or offer testimony on a public hearing agenda item that is "quasi-judicial", please keep this in*

mind. Finally, when you approach the podium to speak on a quasi-judicial matter please state your name, complete physical and mailing address, and whether or not you have been sworn in.

Conflict of Interest Disclosure: All Commissioners responded there were none.

Ex parte Communications Disclosure: All Commissioners responded that there were no communications, written or verbal, related to this item.

Expert Witnesses: There were none.

Staff Presentation: Jackie reads information from the staff report and analysis into the record.

Commissioner Kish inquires about availability of the application and questionnaire with the 10 variance criteria submitted by the applicant and Ms. Gorman advised that the applicant was present to answer questions and that all adjacent property owners within a 300 foot radius were notified.

Randy Martin- 1520 NW 20<sup>th</sup> Avenue- Addressed Commissioner's questions and comments regarding project detail and site plan.

Commission discussion was held regarding code revisions, setbacks and stormwater retention.

Applicant's presentation: (SEE STAFF PRESENTATION)

Public comments: There were none.

Intervening parties: There were none.

Applicant's rebuttal: There was none.

Planning Commission discussion:

***Motion to approve Variance Case #V-2017-1 - 1540 NW 20th Avenue, Woodland Estates and allow for a section of covered walkway (approximately 48 sq. ft.) within the 25' waterfront setback (with stipulation that for the additional 48 sq. ft. overhang, that amount of water is retained on the property was made by Commissioner Kish-; seconded by Chairman Froehling.***

***Motion carries 5-1 on a roll call vote with Commissioner Jannarone in opposition.***

## 8. Unfinished Business

### ***CRA Overlay - Revision to Ordinance #16-O-05 relating to "Building Placement and Orientation" - Discussion***

Ms. Gorman addressed Commissioners regarding changes made to Ordinance No. 16-O-05 upon Council approval on first reading, omitting language recommended by the Planning Commission. Discussion was held during which Commissioners expressed concerns regarding the changes (related to building placement), public participation levels, and changes to previously discussed stormwater management provisions as presented by Mr. Richard Busche during the November Planning Commission meeting. Further discussion was held regarding potential impacts on the Riverwalk project, unintended consequences of allowing the struck language to remain, site setbacks, easements and visibility of Kings Bay from Highway 19.

***Motion to recommend removal of "...has a comfortable scale and provides visual interest while..." from paragraph 1 and removal of "... Single buildings are to be sited allowing visibility of the water from the roadway." and "To maintain a significant view of the corridor from the street to the waterfront consideration must be made to shift the building to one side of the site." and retaining "Careful consideration" language was made by Commissioner Kish; seconded by Commissioner Atkins. Motion carried 4-2 on a roll call vote with Commissioners Jannarone and Raym in opposition.***

Commissioner Kish expressed further concern with last minute revisions to language recommended by Planning Commission.

9. New Business

10. Staff Comments

Ms. Gorman comments on the new folder system for Planning Commissioners and provided an overview of the EAR Amendment purpose and adoption process to be completed by 2018.

11. Commissioner's Comments

Commissioner Jannarone commented on the lack of citizen participation throughout the CRA Overlay ordinance approval process.

12. Chairman's Comments

Chairman Froehling confirmed these concerns would be expressed to Council.

13. Adjournment

***Motion to adjourn was made by Commissioner Kish; seconded by Chairman Froehling. Motion carried unanimously.***

Meeting was adjourned at 6:53 p.m.

Attest:



A handwritten signature in blue ink, appearing to be "Mia Fink", is written over a horizontal dashed line.

MIA FINK, CITY CLERK

A handwritten signature in blue ink, appearing to be "Robert Froehling", is written over a horizontal dashed line.

ROBERT FROEHLING, CHAIRMAN