

MINUTES OF PLANNING COMMISSION WORKSESSION – January 21, 2014

**Call to Order at 7:00 p.m.**

**Roll Call:** The following Planning Commission members answered the roll call: Chair Tamara Stempel, Michele Kremers, Pat McMahon, Craig Seghers, Kim Sieckmann, and Kirk Stempel.

After oath of office: Kevin Johnson

**Absent:** None

**Staff:** Clay Glasgow, City Planner; Jolene Morishita, Assistant City Administrator; Shane Abma, City Attorney.

Chair Tamara Stempel lead the flag salute.

**Oath of Office:**

Assistant City Administrator administered the oath of office to new Commissioner Kevin Johnson and reappointed Commissioner Tamara Stempel.

**Consent Agenda:**

1. Minutes of November 19, 2013 Meeting and December 17, 2013 Work Session

*Commissioner Pat McMahon moved and Commissioner Kirk Stempel seconded a motion to approve the consent agenda consisting of the minutes of November 19, 2013 as revised (p.1-2) and December 17, 2012 as revised (p.1-7).*

*Motion carried unanimously.*

**Regular Agenda:**

2. Election of Chair and Vice-Chair

*Commissioner Kirk Stempel moved and Commissioner Kim Sieckmann seconded a motion to elect Commissioner Tamara Stempel as Commission Chair.*

*Roll: Commissioner Kirk Stempel, Yes; Commissioner Michele Kremers, Yes; Commissioner Pat McMahon, Yes; Commissioner Kim Sieckmann, Yes; Commissioner Craig Seghers, Yes; Commissioner Kevin Johnson, Yes; Chairperson Stempel, yes.*

*Commissioner Kirk Stempel moved and Commissioner Pat McMahon seconded a motion to elect Kim Sieckmann as Commission Vice-Chair.*

*Roll: Commissioner Kirk Stempel, Yes; Commissioner Michele Kremers, Yes; Commissioner Pat McMahon, Yes; Commissioner Kim Sieckmann, Yes; Commissioner Craig Seghers, Yes; Commissioner Kevin Johnson, Yes; Chairperson Stempel, yes.*

3. Public Hearing: Z0551-13-E; expansion of nonconforming use – addition to house that does not meet side yard setbacks. Existing building is with 18" of property line. The proposal

involves adding to house on that side, continuing existing 18" setback. The subject property is located at 345 Beatrice Avenue. Chair Stempel opened the public hearing at 7:11 p.m. She explained the hearing format and asked if there were any ex-parte contacts or conflicts of interest to declare. There was no response.

Commissioners were asked if they visited the site; all of the commissioners have visited the site. Chair Tamara Stempel asked the audience if they wished to make a challenge of any council member's impartiality or ability to participate. There was no response. She asked if there were any objections to the Council's jurisdiction to consider this matter. There was no response.

Commissioner Sieckmann asked if this is a non-conforming use and whether the right criterion is being used to review this application? Answer: City Attorney Abma stated he feels this is the correct criteria; a variance is not applicable. It is considered a non-conforming use because of the setback conditions. City Planner Clay Glasgow reported Section 17.76 includes more than non-conforming uses. The setback exceptions referenced in Section 17.76.040 are not particularly non-conforming; they deal with front-yard setbacks and how they can be reduced. The rest of the chapter deals with non-conforming uses and non-conforming developments. The entire chapter is titled exceptions. In this case he would call it a non-conforming development. The underlying use, residential is allowed in the underlying zone, residential. The building itself, however is not allowed. By virtue of setbacks it is non-conforming both in the front and on the side. It does not conform to a dimensional standard. An addition is proposed on that side which is non-conforming by virtue of setbacks. This is the only option in the code has to process this request.

Commissioner Sieckmann asked if Section 17.76.030 effects this application. Answer: City Planner Glasgow said no, this is another exception; this is for undersized legal lot of records. This is recognized as a legal lot.

**Staff Report:** City Planner Glasgow reported that the applicant is applying to add 50 square feet to her house. The property is located between West Berkeley and West Clarendon. It is an undersized lot and a legal lot. The building does not meet setback both on the front and the side where the addition is being requested. This proposal involves essentially squaring off the house in the back portion to continue the 18' setback. It will be a 5' by 10' addition. The property is zoned R-5, Single-family Residential. It is in a single-family residential zone. The house has been there since 1945.

The Commission needs to find that the alteration, expansion or change or use will have no greater impact on the neighborhood than the existing use. The use and the building have been in place for many years and have co-existed peacefully with neighboring properties. This is a minor addition and will not further extend into the required setback. There were no comments received to indicate that this will have any greater adverse impact on the neighborhood. He recommends approval with minor conditions.

**Applicant Presentation:** Connie Emerson/Patrick Emerson, 345 Beatrice Avenue stated she would like to add on to the existing house, squaring it up to add a little more room to the area that is there. She has talked to the adjacent neighbor and they agreed with her proposal. She stated she will replace the landscaping back to the way it was by her son.

**Questions from the Commissioners:**

- Were all the neighbors adjacent to the property notified? Answer: City Planner Glasgow stated neighbors were notified as well as city departments.

There were no further questions from the Commission.

**Public Testimony:** None.

**Applicant Rebuttal:** None.

**Commission Discussion:** None.

*Commissioner Kim Sieckmann moved and Commissioner Michele Kremers seconded a motion to close the public testimony of the hearing at 7:20 p.m.  
Motion carried unanimously.*

**Commission Decision:**

Commissioner Sieckmann stated he went through the exceptions in Chapter 17.76 he didn't see anything as far as conditions that have anything to do with this property. He recommends removal of #2 of the recommendations. City Planner Glasgow stated the list provided for in Section 17.76 is a suggested list. He could not think of anything to include. Condition #2 should be removed.

*Commissioner Kim Sieckmann moved and Commissioner Pat McMahon seconded a motion to approve File # Z0551-13-E, a proposal to add to a house and continue the existing 18" side property line including staff's conditions of approval as presented tonight with the following change: Delete Condition #2.  
Motion carried unanimously.*

3. **Worksession: Gladstone Code Review.** Chair Tamara Stempel reported City Council approved the suggested review plan. City Attorney Martin has numbered the chapters to be reviewed by priority, based on the law as to what needed to happen and how quickly it needs to happen.

Commissioner Sieckmann stated most of the code changes are not applicable. He suggested recommend to Council what sections to have city staff move forward with on the changes.

Suggested to be removed:

- Chapter 2.28 Planning Commission

- Chapter 8.04 Nuisances
- Chapter 8.06 Chronic Nuisance Property
- Chapter 8.12 Noise Control
- Chapter 12.08 Sidewalk Benches
- Title 17 Zoning and Development

Staff was asked to include in the Commission packets the current language of the areas of the code that the Commission will be reviewing so everyone has the same information.

*Commissioner Kim Sieckman moved and Commissioner Michele Kremers seconded a motion to recommend to City Council that they direct staff to move forward with the changes for the code analysis from January 12, 2012 with the exceptions of Chapter 2.28 Planning Commission, Chapter 8.04 Nuisances, Chapter 8.06 Chronic Nuisance Property, Chapter 8.12 Noise Control, Chapter 12.08 Sidewalk Benches, and Title 17 Zoning and Development. The Commission will come back to Council with revisions on the exceptions.*

Discussion: The question was asked why these provisions were not worked on since 2012. Answer: Assistant Administrator Jolene Morishita stated this project has been put off due to concerns regarding the cost of attorney fees to have these issues addressed. Council will make the decision to move forward on the suggested changes based on the cost.

*Motion carried unanimously.*

Chair Stempel will give staff information that will be needed for the next meeting (1 & 2 and possibly 3) with also the Winterbrook Study included too.

**Other Business:** None.

**Upcoming Commission Considerations:** None.

**Business from the Commission:** None.

**Adjourn:**

*Commissioner Kim Sieckmann moved to adjourn the January 21, 2014 Planning Commission meeting. Commissioner Michele Kremers seconded the motion.*

*Motion carried unanimously.*

Chair Tamara Stempel closed the Planning Commission meeting of January 21, 2014 at 7:50 p.m.

Minutes approved by the Planning Commission this 18<sup>th</sup> day of FEBRUARY 2014.

, Tamara Stempel, Chair