

PLANNING & ZONING BOARD MEETING MINUTES
September 12, 2016

Planning and Zoning Board Members:

Regina Dunay, Chairperson (Quorum)
Marion Rayburn, Board Member
Chris Rader, Board Member
Ben Pierce, Board Member

Staff:

Sandy Repp, Administrative Assistant
Drew Smith, City Attorney
Chief Francisco, Police Chief
Ellen Hardgrove, City Planner
David Mahler, City Engineer

Contractor/Applicants:

Matt Langbehn, Summertime Dock and Deck
Bill and Beth Seabrook, Applicants for boat dock at 5221 Alleman Drive
William (Hal) Valdes, Carta Construction
Timothy Gaus, AIA, Inc.
Robert Harding, Grey Robinson

CALL TO ORDER

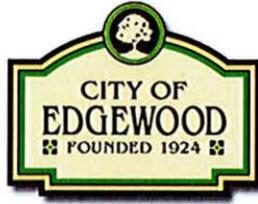
Chairperson Regina Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m., followed by the Pledge of Allegiance. Administrative Assistant, Sandy Repp, announced that there was a quorum.

Chairwoman Dunay announced the resignation of Board Member Susan Lomas after more than seven years of service on the Planning and Zoning Board. Board Member Lomas has decided to go back to schools which will conflict with the meetings on Monday nights.

APPROVAL OF MINUTES

- August 8, 21016

Board Member Rayburn made the Motion to approve the August 8, 2016 minutes; seconded by Chairwoman Dunay. Unanimously approved (4/0)



NEW BUSINESS

Chairwoman Dunay announced that she would change the order of the agenda allowing the variance application for Julie’s Waterfront to go as the first order of business.

1. **JULIE’S WATERFRONT 2016-VAR-06** – The variance application was submitted by William (Hal) Valdes on behalf of First American Land Trust, LLC/Abel Carbajal (Julie’s Waterfront) requesting to enclose all components of an existing restaurant currently located within the Normal High Water Elevation setback.

Discussion began about the proposed plan which was described by City Planner Hardgrove. Per Ms. Hardgrove, the main issue is the applicant’s intention to close the patio because it no longer meets setback requirement; it is currently a legal nonconforming use for a patio. Enclosing it requires the variance. The dock will not be considered during this meeting.

Chairwoman Dunay announced that if anyone wished to speak then they will need to complete a speaker form and bring it to the front.

In response to Chairwoman Dunay, Robert Harding, attorney for the applicant came to podium. Mr. Harding then introduced Timothy Gaus, architect from AIA. Mr. Harding said that the applicant and the property owner are both in attendance as well.

Mr. Harding said that the applicant agrees to the seven (7) requirements for a variance. They are requesting 12 months due to the difficult rehab instead of the 6 months. Mr. Gaus presented renderings of the proposed building and the property as seen from different vantage points. Mr. Gaus asked for questions from the Board.

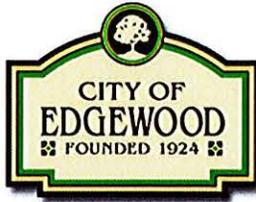
Board Member Rayburn asked for a timeline. Mr. Gaus said that, at best, they are looking at a year because permits processes are lengthy. They are looking at 2017 construction and they would like to open in 2017.

Board Member Rader said this would be a great addition and asked if there were opportunities explored on the south end of the property. Mr. Harding said their inquiries were rebuffed but they are interested.

Further discussion ensued included parking challenges, stormwater facilities and traffic flow including emergency vehicles. City Attorney Smith reminded the Board to limit their discussion and questions to the variance request.

Chairwoman Dunay opened discussion from the floor.

Brett Barner, Edgewood resident -- Mr. Barner stated his concerns regarding the proposed construction and the effect on the lake. Mr. Barner distributed a handout to the Planning and Zoning Board which showed the current conditions of the lakeside by Julie’s Waterfront.



Further discussion ensued regarding the stormwater, vegetation, runoff/NPDES, and calculations for the berm swales. The restaurant would be on sewer going forward. City Attorney Smith reiterated that this is not yet the site plan and this discussion for the Variance.

Chairwoman Dunay asked for a motion.

Board Member Rader moved to recommend approval of the variance application based on the reasons below; seconded by Board Member Rayburn; motion unanimously approved (4/0).

Planning and Zoning recommends that City Council approve the variance in the City Code's Normal High Water Elevation Setback to enclose the four components of the existing restaurant into one building and extend the roof projection an additional six (6) feet where the boardwalk is contiguous to the building finding the six criteria for variance approval have been met with the following conditions:

1. All finished floor elevations of the building constructed within the 50-foot setback shall meet the minimum elevation required for construction within the 100-year FEMA flood plain elevation.
2. Roof projection from the building shall be cantilevered, not be supported by posts or walls extending from the ground, and in no case shall a roof projection drip line extend beyond the normal high water elevation line.
3. The eastern edge of the roof shall include a gutters and downspout system to provide enclosed drainage to discharge into the site's stormwater management system.
4. Final design of the site plan shall include a barrier along the easterly side of the parking lot to prevent wind-blown debris in the lake and to provide drainage discharge into the sites stormwater management system.
5. Any vegetation planted within the 50-foot normal high water elevation setback shall be native lakeshore trees, shrubs and grasses.
6. A 7 feet wide landscape buffer shall be provided between the parking lot and Orange Avenue right-of-way. Non-deciduous trees compatible with the overhead utility lines within the Orange Avenue right-of-way at mature height shall be substituted for the tree requirement.
7. Any mechanical equipment to be located on the roof shall be screened from view of the street.

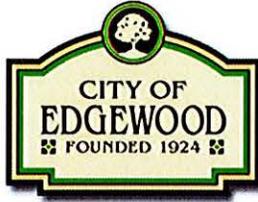
2. BOAT DOCK VARIANCES– 5221 ALLEMAN DRIVE

- **2016-VAR-02** Code 14-11 (b)(3) – length of boat dock beyond 65'
- **2016-VAR-04** Code 14-11 (b)(1) – build a boat dock within setback distance
- **2016-VAR-05** Code 14-11 (b)(6) – boat dock with square footage greater than 1,000 square feet

City Engineer David Mahler introduced the boat dock belonging to Bill and Beth Seabrook at 5221 Alleman Drive. This is the second time that they are appearing before P&Z and they have provided more documentation, particularly about the lift.

a. **2016-VAR-02 Code 14-11 (b) (3) – length of boat dock beyond 65'**

Chairwoman Dunay said that she attended the City Council meeting when it was discovered that they need to be in deeper water with the type of boar lift they have selected.



Beth and Bill Seabrook came to the podium and said that a sling is temporary storage. The boat lift presented is a cradle and it is recommended for the size of their boat. They do not have an extremely large boat but a sling would damage their boat long term. Per Mr. Seabrook, this is not a matter of it being their choice; slings are for lighter weight boats.

Chairwoman Dunay asked for the contractor Matt Langbehn to come to the podium. Mr. Langbehn said that slings cause cracks and are used for temporary relocation. Summertime Dock and Deck install cradles for the docks that they build. Per Mr. Langbehn, it is recommended by the boat manufacturers themselves to use a cradle as well for the Seabrooks exact boat to use the cradle.

Chairwoman Dunay asked if they went through the criteria and Mr. Mahler said they did and added that that this is the depth they need to get the boat in. City Attorney Smith said that according to the consultant, the criteria are met.

Board Member Rader moved to recommend approval of the variance application; seconded by Chairwoman Dunay; motion unanimously approved (4/0).

b. **2016-VAR-05** Code 14-11 (b)6) – boat dock with square footage greater than 1,000 square feet
Chairwoman Dunay stated that the extra square footage is based on the length of the dock. This was confirmed by City Engineer David Mahler.

Chairwoman Dunay asked for a motion.

Board Member Rayburn moved to recommend approval of the variance application to allow a boat dock greater than 1,000 square feet; seconded by Board Member Rader; motion unanimously approved (4/0).

c. **2016-VAR-04** Code 14-11 (b)(1) – build a boat dock within setback distance

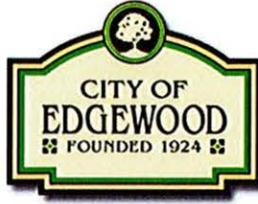
City Engineer Mahler said the applicant request is to stay in the same location as the present dock and DEP also suggests they stay in the same location, as stated in their letter. Per Mr. Mahler there are other docks on the lake that have the same setbacks or less. The setback requirement is 15 foot and this dock is just under 12 foot; 11.67 feet.

Discussion ensued regarding the location and minimizing the footprint of the boat dock and environmental impacts on a new location.

Mr. Mahler further reviewed the code and said the requirement is for a side setback of 10 feet. For a side setback less than 15 feet there must be a letter of no objection and a signed site plan, which the applicant has. As this dock is proposed to be located at 11.67, it does not require a variance. Mr. Mahler said that he thought it was a 15 foot setback requirement, but the code in section 14-11 specifically reads ten (10) feet.

In response to Chairwoman Dunay, Mr. Smith said there is no reason to proceed further. Matt Langbehn said they would withdraw their application for the variance.

The applicant withdrew their request for the Variance.

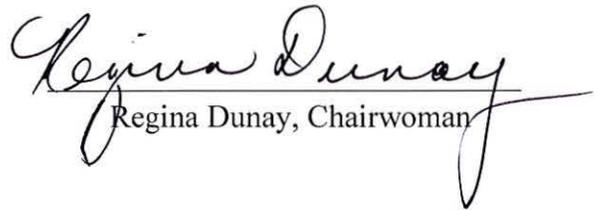


COMMENTS/ANNOUNCEMENTS

- Workshop 10/10/2016 at 5:00 pm to 6:00 pm with City Council.
- There will be a Planning and Zoning meeting on October 10, 2016 to discuss an ordinance for automotive uses.

ADJOURNMENT:

With no further business or discussion, Board Member Rader made the Motion to adjourn the Planning and Zoning Board meeting; Seconded by Board Member Rayburn; the meeting adjourned at 7:55 p.m.


Regina Dunay, Chairwoman

ATTEST


Sandra Repp, Administrative Assistant