# CITY OF GROVE CITY, OHIO
# PLANNING COMMISSION MINUTES

**REGULAR MEETING** **February 3, 2015**

The meeting was called to order at 1:30 p.m.

Chair Leasure began the meeting with a moment of silence and the Pledge of Allegiance. The following members were present: Mr. Gary Leasure, Chair, Mr. Chuck Boso, Mr. Mike Linder, Ms. Julie Oyster and Mr. Roby Schottke. Others present: Kyle Rauch, Planning and Development Officer; Kim Shields, Planning/GIS Specialist; Jennifer Readler, Frost Brown Todd; Capt. Jeff Pearson, Grove City Police; Lt. Tammy Green, Jackson Township Fire Inspector; Mike Keller and Erik Meininger, EMH&T; William Vedra, Director of Public Safety; Mike Boso, Chief Building Inspector; Cindi Fitzpatrick, Service Superintendent; Laura Scott, Planning and Zoning Officer; Tami Kelly, Clerk of Council, and Molly Frasher, Secretary.

Chair Leasure noted a quorum was present. The minutes from the January 6, 2015 regular meeting were unanimously approved.

Chair Leasure asked to move Item #5 to the first hearing of the day due to time constraints of the applicant; Mr. Schottke motioned to approve the movement, Mr. Linder seconded and the vote was unanimously approved.

**Item #5 – Grove City Mobil – Special Use Permit (Outdoor Sales)** **(PID# 201501050001)**

The applicant is requesting a special use permit to expand the number of U-Hauls permitted to be stored and rented at the Grove City Mobil located at 4441 Broadway. In 2007, the site was granted a special use permit (C-92-07) to locate three (3) trucks and two (2) trailers at the site at one time. The applicant is requesting an additional two (2) trucks and one (1) trailer to increase the total permitted U-Hauls on the site to five (5) trucks and three (3) trailers. Trucks and trailers would be stored only along the rear property line.

Ms. Shields stated that staff does not feel the proposed U-Hauls will change the intended commercial character of the district as the site was previously approved for U-Haul rental and other businesses in the area rent U-Hauls from their property; furthermore, trucks and trailers are proposed to be parked along the rear of the property to be screened from Broadway and to eliminate any conflict with the required parking for the business and to not inhibit connectivity to any adjacent properties.

Staff recommended Planning Commission make a recommendation of approval to City Council for the special use permit with the following stipulations:

1. There shall be no more than five (5) trucks and three (3) trailers located at the facility at any one time.

2. Trucks and trailers shall only be located along the rear (west) property line.

3. A six (6) foot fence shall be constructed from the southwest corner of the property extending east 20 feet to screen parked trucks and trailers.

4. Landscaping removed along the east property line (fronting Broadway) shall be replaced. The applicant shall work with the Urban Forester in selecting appropriate plant material to ensure landscaping meets the requirements of chapter 1136.

The applicant, Muhammad Arif, was present to speak to the item. Mr. Arif explained that he has recently purchased the property. He stated that more people are moving into Grove City and his U-Haul rental business is very busy, which is why he needs more vehicles. Mr. Linder inquired about the 6' fence stipulation from 2007 which had not yet been built; how can we guarantee that the fence will be erected, with this stipulation? Ms. Shields stated it would be a compliance issue and that the U-Hauls will not be permitted on the property until the fence is complete. Mr. Schottke asked if the fence would be solid or chain-link. Ms. Shields stated it was not specified, but the intent was for it to be a privacy fence for screening. She stated that it could be added to the stipulation to require it be a wood privacy fence.

Being no further questions, Mr. Schottke motioned to recommend the approval of the special use permit with the following stipulations:

1. There shall be no more than five (5) trucks and three (3) trailers located at the facility at any one time.

2. Trucks and trailers shall only be located along the rear (west) property line.

3. A six (6) foot wood privacy fence shall be constructed from the southwest corner of the property extending east 20 feet to screen parked trucks and trailers.

4. Landscaping removed along the east property line (fronting Broadway) shall be replaced. The applicant shall work with the Urban Forester in selecting appropriate plant material to ensure landscaping meets the requirements of chapter 1136;

Mr. Linder seconded and the vote was unanimously approved.

**Item #1 – Sanderson Automotive Services – Certificate of Appropriateness (HPA – Sign) (PID# 201412190072)**

The applicant is requesting approval of a Certificate of Appropriateness for two new wall signs for Sanderson Automotive at 3586 Broadway at the southeast corner of Broadway and Southwest Boulevard. The proposed signage exceeds the amount permitted on a single property in the Historical Preservation Area by 12.64 square feet; however the applicant has agreed to remove the pole sign at the northwest corner of the property to reduce the overall signage on the site. Ms. Shields stated that staff felt the proposed signage was appropriate given the two frontages of the building and the fact that the structure is located in a primarily automotive (non-pedestrian) oriented area.

The Development Department recommended Planning Commission make a recommendation of approval to City Council for the COA with the following deviations and stipulations:

1. The proposed signage shall be permitted to exceed the total signage permitted on the property by 12.64 square feet.

2. The pole sign at the northwest corner of the property shall be removed.

3. Any lighting of the signs shall be from a concealed exterior or indirect light source and shall not flash, blink, fluctuate, travel, move or in any way fail to provide constant illumination.

The applicant, Michael Sanderson, was present to speak to the item. Mr. Sanderson stated that he was willing to work with the City to improve the image of that corner; they have remodeled the interior and would like to do the same for the exterior.

Being no further questions, Ms. Oyster motioned to recommend the approval of the certificate of appropriateness with the deviations and stipulations:

1. The proposed signage shall be permitted to exceed the total signage permitted on the property by 12.64 square feet.

2. The pole sign at the northwest corner of the property shall be removed.

3. Any lighting of the signs shall be from a concealed exterior or indirect light source and shall not flash, blink, fluctuate, travel, move or in any way fail to provide constant illumination.

Mr. Linder seconded and the vote was unanimously approved.

**Item #2 – Grove City Family Dentistry Parking Lot Expansion – Development Plan (PID# 201411200068)**

The applicant is proposing to expand the parking lot for Grove City Family Dentistry at 3031 Columbus Street. The lot proposed for the expansion is located directly to the south of the existing parking lot. The parcel is currently in the process of being rezoned from R-2 to PSO for the proposed expansion which will add 21 parking spaces. The expanded parking lot will be accessed from the existing Grove City Family Dentistry lot with two connecting drive aisles. A total of 70 spaces will exist on the site after the expansion and after the existing southern parking area is restriped to add a handicap parking space.

The landscaping proposed along the southern property boundary does not meet the requirements of chapter 1136 between incompatible uses; and although the proposed setback and landscaping matches variances approved by the BZA in 2009 for their previous expansion, after speaking with the property over to the south of the proposed expansion who has concerns regarding the improvements, Ms. Shields stated that staff feels that an additional four feet should be added to the southern setback and additional landscaping should be installed. She also stated that staff has concerns regarding the proposed lighting fixtures and their output levels.

The Development Department recommended Planning Commission make a recommendation of approval to City Council for the Development Plan with the following deviations and stipulations:

1. The parking lot setback from the western property line shall be reduced to 12'.

2. The parking lot setback from the southern property line shall be reduced to 9'.

3. Landscaping shall be installed as approved by the Urban Forester and shall be permitted to deviate from the requirements of chapter 1136.

4. The southern curb cut shall be removed from the cover sheet and sheet 5/5 (Stormwater Pollution Prevention Plan).

5. New lighting fixtures should be 12' decorative pole lights to match the existing fixtures in the southern parking lot landscape islands.

6. The parcel of the proposed parking lot expansion (040-002179) shall be combined with the Grove City Family Dentistry parcel (040-002174).

Mr. Leasure noted that staff's recommendation of 9' for the southern parking lot setback was increased from the recommendation in the staff report. Ms. Shields stated that staff was contacted by the property owner to the south who voiced concerns and stated that they had not seen plans for the proposed parking lot. The plans submitted to staff indicated that the applicant had worked with the property owner to the south on the landscape design, but when staff spoke with the adjacent property owner, they were made aware that that was not the case.

Mark Hazel, representative for the applicant, was present to speak to the item. He stated this was the first he has heard of the increased setback and this will likely decrease the number of parking spaces. He does not see why they won't be able to comply with the setback requirements. Mr. Rauch stated the drive aisle was currently 22 feet and they recommend narrowing the drive aisle to 18 feet.

Chair Leasure asked if Mr. Hazel was agreeable to the stipulations in the staff report; he stated he was.

Debra and Terry Rice, 4082 Gladman Ave, property owners to the south of the proposed improvements spoke to the item. The Rice's stated they had just found out about the intended parking lot expansion on Friday, January 30; they had not seen any plans or drawings for the project. Mrs. Rice stated that she had spoken with Mr. Rauch on the phone previously and he answered several questions. She has concerns that her bedroom faces the parking lot and how much lighting will the pole lights produce. She also voiced concerns about how her home value and taxes will be affected by the close-proximity of a commercial property.

Mr. Hazel commented that the lighting fixtures would direct light downward, it does not shine out. Mr. Rice asked about the 9 feet of landscaping to the property line; Mr. Hazel stated a 9' landscape bed would be double of what they are now along the south edge of the lot. Mr. Rice asked about the drainage in the parking lot; Mr. Hazel explained it was routed to Columbus Street and would not affect the Rice property. Mrs. Rice asked about the condition of the current curbs around the property; stating that although new sidewalks and aprons were installed, the condition of the curbs is deteriorating. Mr. Hazel stated this project would patch the curbs and maintain the sidewalks. He also stated they will maintain the same trash area.

Mrs. Rice asked if the new parking lot would have an island between the two rows, similar to the existing southern parking lot. Mr. Hazel stated that there will be no island in the proposed parking area and the existing island would be removed to make room for the proposed improvements. He stated the center island has created maintenance problems. Mrs. Rice stated her concern over nighttime parking in the lot; an island or parking blocks may deter people from nighttime parking and socializing there in the evenings. Mr. Hazel stated that bumper blocks could be considered.

Chair Leasure revisited the concerns regarding the dumpster. Mr. Hazel stated the dumpster was relatively new and they would like it to remain in its current place.

Mrs. Rice then asked who decided how high the new landscaping would be; the current landscape is seemingly the same size as it was three years ago. She would prefer taller landscaping than what is currently installed south of the parking lot. Mr. Hazel stated a 9' wide landscape area would allow for more substantial landscaping. Ms. Shields stated that staff had met with the Urban Forester to discuss potential options to achieve optimal screening and that was why the stipulation was recommended that the applicant work with the Urban Forester.

Mr. Schottke showed concern for the landscaping, specifically the area where the landscaping stops and exposes the fence belonging to the property owner to the south and the lack of screening for the houses on the west side of Gladman Avenue across the street from the parking lot and the small size of the current bushes screening the parking lot to the west. He then stated that although we are deviating from 1136 in the stipulation, he hopes that Mr. Hazel will work with the Urban Forrester to ensure there is proper screening of the proposed parking lot.

Being no further comments, Mr. Schottke motioned to recommend the approval of the development plan with the following stipulations:

1. The parking lot setback from the western property line shall be reduced to 12'.

2. The parking lot setback from the southern property line shall be reduced to 9'.

3. Landscaping shall be installed as approved by the Urban Forester and shall be permitted to deviate from the requirements of chapter 1136.

4. The southern curb cut shall be removed from the cover sheet and sheet 5/5 (Stormwater Pollution Prevention Plan).

5. New lighting fixtures should be 12' decorative pole lights to match the existing fixtures in the southern parking lot landscape islands.

6. The parcel of the proposed parking lot expansion (040-002179) shall be combined with the Grove City Family Dentistry parcel (040-002174)

Ms. Oyster seconded.

Mr. Boso asked staff if the applicant had worked with adjacent property owners. Ms. Shields clarified that the plans stated that they had, but that it was brought to staff's attention the day before the meeting that this was not the case. Mrs. Rice said that they had not been contacted and did not know what was occurring until they were notified through the rezoning process.

Mr. Boso stated he did not feel comfortable in terms of pushing this through without giving residents fair time to look at the plans; he would like to move to table this item to the March meeting, or hold a special meeting. Ms. Readler stated there was a motion to approve and a second; the commission needed to vote on the motion at hand, then make another motion to table the item.

Chair Leasure called for a vote for the motion to recommend the approval of the development plan with the six noted stipulations: Mr. Linder abstained from voting due to owning contiguous property; Ms. Oyster voted yes; Mr. Boso voted no; Chair Leasure voted no; Mr. Schottke voted no.

Ms. Readler suggested a motion to reconsider followed by a motion to table; Mr. Schottke motioned to reconsider, Ms. Oyster seconded. The motion to reconsider was unanimously approved.

Mr. Boso motioned that this item be tabled to the next meeting, March 3, 2015 or a special meeting, Mr. Schottke seconded. Mr. Linder abstained from voting due to owning contiguous property, the remainder voted to approve the tabling of Item #2 to the March 3 meeting or a special meeting.

Mr. Craig Oiler, Grove City Family Dentistry, apologized for the confusion and lack of communication; and stated that he would be contacting Mr. and Mrs. Rice to work on the plan together.

**Item #3 – 3542 Grant Avenue – Method of Zoning Change (R-2 to D-1) (PID# 201412290074)**

The applicant is proposing to rezone 3542 Grant Avenue from R-2 to D-1 in order to build a garage with an apartment unit above on the rear of the lot. The site is currently home to a single-family structure with a small outbuilding in the rear of the lot and is bordered to the east and west by lots zoned R-2, D-1 to the south across Grant Avenue, and A-1 to the north.

Ms. Shields stated that staff feels the proposed rezoning is appropriate based on the proximity of other parcels zoned for multi-family dwellings and recommended that Planning Commission make a recommendation of approval to City Council for the method of zoning change as submitted.

Stephen Von Jasinski, applicant, was present to speak to the item. Mr. Von Jasinski stated that he and his wife would live in the main house while his son, who was mildly Autistic, would live in the apartment in the rear. He plans to make many upgrades including burying the utilities.

Bethel Barker, property owner of 3523 Cleveland Ave, the multi-family development to the north, stated he has had past problems with people on the street using his trash containers and parking at his property. He is concerned if there will be adequate parking with Mr. Von Jasinski's addition. He was concerned that, although Mr. Von Jasinski and his family will be residing there, in the future, residents might try to use his parking lot. Mr. Von Jasinski addressed Mr. Barker stating that the small structure in the rear will be torn down, there will be a permeable paver parking lot and pad, which will support two cars, adjacent to the property line. It will be tandem parking, plus a two car garage.

Being no further questions, Mr. Linder motioned to recommend the approval of the method of zoning change as submitted, Mr. Boso seconded; the vote was unanimously approved.

Ms. Kelly noted to the commission that the application was not complete; there was no list of contiguous property owners included in the packet. Mr. Rauch and Ms. Shields stated that they did have the list – its omission from packets was a mistake and apologized, stating that the list would be provided to Ms. Kelly.

**Item #4 – The Courtyards at Hoover – Development Plan (PID# 201412290076)**

The applicant is requesting approval for a new residential development located south of Hoover Crossing Way and north of Orders Road. A mix of detached, single-family courtyard homes and attached twin-singles are proposed for the project, with a total of 64 units proposed. The site of the proposed development is currently in the process of being rezoned from

R-1 to PUD-R. A zoning text was included as part of the rezoning application. The proposed development plan has been designed within the parameters of this zoning text.

The applicant has made modifications to their plans based on discussions with staff and area property owners; including increasing the building and parking setback to 35' and reconfiguring the building and street layout to eliminate driveways stubbing at the property boundary. As part of the open space proposed around the site, the applicant has indicated that easements will be granted to the City for public use of the proposed 8' bike path along Bryant ditch. Additionally, Parkette Two, adjacent to the reserve at Hoover Crossing, will be dedicated to the City.

The applicant has submitted an application to the Board of Zoning Appeals to allow for the proposed compensatory cut and fill within the floodplain area determined by a study prepared by the applicant. Staff is supportive of the proposed variance as the reconfiguration of buildings on the site (thus placing them within the studied flood area) was necessary to increase the setback from property lines to decrease the impact on the adjacent neighborhoods.

Ms. Shields stated that staff feels the unique character of the development, being primarily single-family detached condominium structures but developed on a single site (not individually platted lots), justifies exceptions from Code such as road widths and setbacks. Furthermore, staff feels the applicant has designed the site to mitigate these deviations by including off-street parking, increased building setbacks from what would be required under current zoning standards, and increased landscape screening requirements around the perimeter of the site.

The Development Department recommended Planning Commission make a recommendation of approval to City Council for the development plan with the following stipulations:

1. An easement of sufficient area shall be provided to the City to contain both the stream corridor protection area and the multiuse path and shall be designated for public use.

2. Parkette 2 (±0.38ac), as shown on the submitted plans shall be conveyed to the City for public use.

3. A variance approval shall be obtained for compensatory cut and fill in floodplain.

Joel Rhodes, Epcon Communities, was present to speak to the item. He is in agreement with the staff report and stipulations.

Mr. Boso stated that the Development Department received an email from an adjacent resident, Ms. Johnson, requesting a 50' building setback from adjacent properties.

Mr. Boso asked if there were any stipulations or documentation regarding uses within the setback, such as a no-build zone, i.e. no sheds, playground equipment? Mr. Rhoades stated there were; he cited multiple applicable items to speak to that item. He started by noting that the setback has been increased from 25' in the original plan to 35' in the current plan. This 35' setback is described as passive, including a 15' do not disturb area; the next 20' will be used for grading and construction access to the homes. Extensive trees and shrubs will be planted within this area to buffer the homes from adjacent properties. The element of the courtyard home they are proposing is that the outdoor areas for units are in the courtyards - between the homes, not in the rear of the home as found in a traditional single-family development. Backyards would be passive. The condominium documents will prohibit decks, sheds, play equipment, or any other kind of improvement within this rear passive area.

Mr. Rhoades mentioned that all homes will be a ranch style and that all outdoor space will be maintained by a homeowners association to ensure that all lawns will be uniformly and professionally maintained. He continued by showing the Commission how buildings have been reconfigured to eliminate the driveways stubbing at the property lines; the buildings at the northwest and northeast corners have been angled, directly off the primary road.

Chair Leasure asked if a traffic light would be installed on Hoover Road for the development. Mr. Boso stated that he felt this development would be similar to the Christina Villas north on Hoover and that most of the traffic generated by this development would be off-peak traffic. Mr. Rhoades explained that a traffic analysis had been conducted by their engineers, comparing traffic generated by single family homes on the site (40 homes if developed to R-1 standards) to the proposed condominiums. The study shows that the proposed development will generate 34% less traffic than a single-family development.

Mr. Schottke asked if it was possible to increase the setback to 50' on the north side of the property. Mr. Rhoades stated that they did investigate increasing the setback but found that it was not possible, largely due to the required stream corridor protection zone. Mr. Boso stated that he felt the proposed condos do have a greater setback when compared to single-family homes. He noted the properties to the north; there are sheds and swimming pools at the rear property line and the 35' setback for the proposed condos will have none of those items. Mr. Rauch stated staff examined the setback in terms of how much screening would be provided; the applicant has promised to install landscaping to reach 80% opacity between properties. Mr. Schottke then asked if the "scrub" trees would remain in the setback to assist in the 80% opacity. Mr. Rhodes explained that the page to which Mr. Schottke was referring, was the tree survey of existing trees on the site; Mr. Rhodes explained their goal would be to save everything in the 15' that were in better shape and would provide the best screening. A separate landscape plan was submitted showing what was to be installed in addition to the existing trees to be preserved.

Mr. Schottke then asked who would be maintaining the parkette to be dedicated to the city. Mr. Rauch stated that the city has been working with Epcon Communities as well as the developer to the west to acquire the adjacent five-acre reserve in Hoover Crossing. The two would be combined to create a larger park owned and maintained by the city. There will be a trail from the reserve area to Hoover Road for a bikeway and walking path which will take people from Hoover Road to Haughn Road. Mr. Schottke then asked if the city had a requirement of green areas to be included in neighborhood developments; Mr. Rauch stated there are calculations applied based on population and the population of the development. If the developer cannot dedicate as much land as the calculation requires, there is an option to supply a payment in lieu of the land. Ms. Shields stated that based on the units proposed, this development was required 2.86 acres and they provided 3.51 acres, meeting and exceeding the requirements.

Chair Leasure asked the fire and police department representatives if they had any concerns or issues with the development plan; both Captain Pearson and Lt. Green stated they did not have any concerns; any issues were addressed by the developer.

Being no further questions, Mr. Linder motioned to recommend the approval of the development plan with three stipulations:

1. An easement of sufficient area shall be provided to the City to contain both the stream corridor protection area and the multiuse path and shall be designated for public use.

2. Parkette 2 (±0.38ac), as shown on the submitted plans shall be conveyed to the City for public use.

3. A variance approval shall be obtained for compensatory cut and fill in floodplain.

Mr. Boso seconded and the vote was unanimously approved.

**Item #6 – Aladdin Shrine Center – Development Plan** **(PID# 201501050002)**

The applicant is requesting approval of a development plan to expand the existing structure at 1801 Gateway Circle (Grand Oaks Event Center) for the Aladdin Shrine Center. The site of the proposed expansion is zoned PUD-I, part of the Gateway to the City development, with regulating text. The proposed development plan has been designed to be in compliance with the approved text. Access to the 9.163 acre site will be from the existing curb cut on Gateway Circle as well as an additional cut proposed to access the expanded parking lot to the east. The area to be developed currently spans three parcels which will need to be combined to eliminate setback conflicts with the proposed building and parking lot expansion.

The proposed improvements will expand the existing building to the west and east. The western addition is proposed to be 2,325 square feet and the eastern addition is proposed to be 12,760 square feet. The proposed expansions will utilize the same finish materials as the existing building – primarily EIFS on all sides with metal wall panels on the north elevation. Materials indicate that the north elevation will be finished in EIFS should the final budget allow it.

The applicant is requesting code exceptions primarily from landscaping requirements, specifically around the proposed detention basin and retention pond. Ms. Shields stated that staff is supportive of the requested deviation from the number of trees around the eastern pond due to the proposed easement in the area for the future installation of a bike trail; however staff is not supportive of the requested deviation from the planting requirements around the proposed dry basin given its visibility from Gateway Circle.

Ms. Shields stated staff felt the proposed development has been designed in accordance with the approved zoning text for the Gateway to the City development and recommended Planning Commission make a recommendation of approval to City Council for the development plan with the following stipulations:

1. The proposed 20' future path easement shall be recorded with Franklin County prior to the approval of any lot splits for the property.

2. Four (4) deciduous trees should be planted between the proposed detention basin and right-of-way of Gateway Circle.

3. Signage shall be in accordance with Chapter 1145 and reviewed/approved by the Building Division.

Ron Leonard, with the Aladdin Shriners, was present to speak to the item. Mr. Leonard introduced other representatives and people working on the project. Mr. Leonard began with a brief history of the Aladdin Shriner Temple, their mission and purpose. Mr. Leonard was in agreement with the staff report and welcomed questions from the Commission.

Ms. Oyster asked if the metal panels on the north side of the building would match the existing EIFS. Julie Delos Santos, project architect, responded that the existing surface on the north side of the building is metal and is painted the same color as the EFIS. They would be extending the metal siding. Chair Leasure said it was his understanding that the building was built so that wall could be removed to extend the space outward; Ms. Delos Santos stated it was not, it is a pre-engineered metal building and the proposed additions to the east and the west would be separated structurally from the existing building.

Mr. Linder asked for more explanation on the parking lot, particularly the parking lot for the Ohio State Board of Cosmetology. Carlo Burns, Pizzuti, responded that the cosmetology school is infringing on their site; however the site plan is designed with that in mind, in addition to all required setbacks and a 20'easement for connectivity of a future trail the city may have planned. Mr. Leonard stated they are trying to negotiate to either sell that piece of property or lease it because it is a liability to Shriners.

Mr. Schottke stated there are 221 spaces without the additional parking area to be developed, which gives them 80% of what the recommendation requires; will this be enough parking for their functions? Mr. Leonard stated they were waiting to see what the budget numbers revealed on the bids at to whether Shriners would be able to complete the area shown as "alternate parking" now or wait until the future, but that they feel the currently proposed parking meets their requirements and parking demand. Mr. Schottke asked about overflow parking, should it be necessary. Mr. Leonard stated it would most likely be in the grass area south and east of the parking lot.

Mr. Schottke then asked about the dumpster on the side of the garage. It is currently screened with a fence and there is landscaping around the garage area, but why not behind the dumpster. Mr. Burns stated there was landscaping on the east side of the garage, encompassing the dumpster. The landscape plan was displayed for clarification.

Being no further questions, Mr. Schottke motioned to recommend the approval the development plan with three stipulations:

1. The proposed 20' future path easement shall be recorded with Franklin County prior to the approval of any lot splits for the property.

2. Four (4) deciduous trees should be planted between the proposed detention basin and right-of-way of Gateway Circle.

3. Signage shall be in accordance with Chapter 1145 and reviewed/approved by the Building Division

Mr. Linder seconded and the vote was unanimously approved.

**Item #7 – K & B Rentals – Certificate of Appropriateness (Exterior Modifications) (PID#201501150003)**

The applicant is proposing to install three parking spaces in front of the existing building at 3800 Broadway. The parking lot would be 32' wide and be setback approximately 3' from the front property line. The proposed parking lot does not meet the requirements of multiple code sections including the requirement that there be no parking between the right-of-way and the building setback within the HPA, and that when there is a change of use within the HPA where a parking lot exists between the building setback and street, the new occupant shall comply with landscaping requirements in chapter 1136.

The Development Department recommended Planning Commission make a recommendation of disapproval to City Council for the certificate of appropriateness as submitted.

Bethel Barker, applicant, was present to speak to the item. Mr. Barker recently purchased this property using a 1031 tax exchange. He was not aware of the HPA requirements. His initial intent was to use the home for his rental business; however, after getting negative feedback from the city regarding putting the parking out front, his family decided they could move into the property. His tax advisor then informed him that it was illegal for him to reside in the home because of the 1031 tax exchange.

Mr. Barker stated that he did not feel the property could be used commercially because of the lack of parking. The previous owner of the home added a large garage that makes parking on the site very difficult. There is parking in the garage, but maneuverability around the rest of the area is difficult. There is an apartment above the garage that the owner must provide parking for the tenant. There are a total of four parking areas, including inside the garage.

Mr. Barker showed his plan to improve the exterior of the facility and the layout of his proposed parking lot. He also noted that the office properties on either side of his property have parking in front of their buildings. He felt that without installing the proposed parking lot, the property would need to be a residential property.

Chair Leasure asked if there was any alternative for parking in the rear of the property. Mr. Barker stated that he has reviewed the plans several times and cannot see a way to make this work due to the location of the garage.

Mr. Schottke asked if there was potential to add parking to the rear of the lot. Mr. Barker stated there was no access to that area; parking is only good if you can get in and out of a spot. Mr. Barker used the map to show all of the residences and rear parking issues with the home, including the garage and upper apartment included on the property. There is no access between the garage and the apartment above.

Chair Leasure stated that he wished there was a way the Commission could help Mr. Barker, but it will have to be determined by Council.

Having no further questions, Mr. Boso motioned to recommend the approval of the certificate of appropriateness as submitted, Mr. Linder seconded and the vote was: Chair Leasure, yes; Mr. Schottke, no; Mr. Linder, no; Ms. Oyster, no; Mr. Boso, no.

Having no further business, Chair Leasure adjourned the meeting at 2:50 p.m.

Molly Frasher, Secretary

Gary Leasure, Chair