

Draft Minutes for the June 4, 2019 Planning Commission Regular Meeting

SUP19-115 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a bed and breakfast in the “R-2” Single-Family and Two-Family District on Lot 4, City Block 5021, addressed at 555 South Union Avenue.

(Applicant: James Graham; Case Manager: M. Greene)

Mr. Greene summarized the request and stated Staff recommended approval with the conditions outlined in the staff report.

Commissioner Laskowski requested clarification on the definition of a guest room.

Discussion followed.

Vice Chair Reaves requested the Ad Hoc Committee review the bed and breakfast ordinance requirements.

Discussion followed.

Commissioner Meyer stated it should be required that the bed and breakfast be owner or manager occupied. He expressed the need to limit the occupancy.

Vice Chair Reaves invited the applicant to speak.

James Graham, 555 S. Union Avenue, stated he was the property owner and applicant. He provided his history with the property and the city. He stated he intends for the property to remain residential and stated he takes care to maintain the property in good condition.

Vice Chair Reaves asked if anyone wished to speak in favor.

Wilton Warnecke Jr., 460 Kerlick Lane, stated he did not wish to speak in favor or opposition. He stated the applicant should be required to provide proof that they will be paying the required Hotel Occupancy Tax prior to the Certificate of Occupancy being issued for the bed and breakfast. He requested that all bed and breakfast special use permits be tied to the applicant and not the land. He described the history of issues with bed and breakfasts and short term rentals in the area.

Vice Chair Reaves asked if anyone wished to speak in opposition.

Violet Tannen, 111 E. Lincoln, wished to speak in opposition. She expressed her concerns regarding historic preservation and protecting the character of the community. She then expressed concerns regarding the effects of traffic, crime, parking and noise resulting from the bed and breakfast on the families in the neighborhood. She stated it was a historical neighborhood and requested it be preserved.

Brandon Crabill, 665 Washington Street, wished to speak in opposition. He provided his history of the area. He stated it was a residential neighborhood and expressed concern that the commercial use was not compatible. He expressed concerns that the approval could set a precedent for the area. He read a letter written by the neighbor at 647 Washington requesting that the historic neighborhood be preserved.

Patricia Freer, 441 S. Union Avenue, wished to speak in opposition. She expressed agreement with the previous speakers. She expressed concerns with renters coming to party, noise, safety, parking and traffic. She stated the neighborhood was a tight knit residential community.

Chandler Gray, 186 E. Lincoln, wished to speak in opposition. She welcomed the applicant to the community. She expressed concerns regarding the commercial use, future development, enforcement issues, and that the application states only one room is being rented. She provided examples of existing issues in the area. She stated the existing short term rentals in the area are special circumstances and

therefore are not comparable to what is being requested. She requested the Commission consider the neighborhoods concerns.

Mike Martin, 344 Washington Avenue, wished to speak in opposition. He provided his history of the area and expressed agreement with the other speakers.

Rafael Marfil, 415 S. Union Avenue, wished to speak in favor. He stated the homes facing S. Union Avenue are separate from the residential neighborhood, and the proximity to businesses in the area encourages tourism. He stated the noise ordinance was applicable to commercial businesses and would regulate any sound created. He requested that those fronting on Union Avenue be able to utilize the high volume of tourists.

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to close the public hearing. Motion carried (9-0-0).

Commissioner Meyer stated Union Avenue is active and the bed and breakfast won't change that. He expressed understanding for the concerns but stated the applications were reviewed on a case by case basis. He asked the applicant if he intended to utilize the residence as his primary home.

Mr. Graham stated it was still undergoing remodeling.

Commissioner Meyer asked the applicant if he intended to utilize the residence as his primary home.

Mr. Graham responded yes.

Commissioner Meyer requested clarification if the Special Use Permit ran with the land.

Mr. Onion clarified.

Discussion followed regarding code enforcement and bed and breakfasts.

Commissioner Meyer inquired if the Special Use Permit was violated would it be revoked.

Mrs. Snell clarified.

Motion by Commissioner Meyer to recommend approval to City Council a proposed rezoning to apply a Special Use Permit to allow a bed and breakfast in the "R-2" Single-Family and Two-Family District on Lot 4, City Block 5021, addressed at 555 South Union Avenue with Staff recommendations and a restriction to one guest room. Motion failed for lack of a second.

Motion by Commissioner Laskowski, seconded by Commissioner Tubb, to recommend approval to City Council regarding a proposed rezoning to apply a Special Use Permit to allow a bed and breakfast in the "R-2" Single-Family and Two-Family District on Lot 4, City Block 5021, addressed at 555 South Union Avenue with Staff recommendations and a limit of 1 guest room with 2 adult guests. Motion carried, with Vice Chair Reaves and Commission Mathis in opposition (7-2-0).