

Draft Minutes for the July 2, 2019 Planning Commission Regular Meeting

Public Hearing and recommendation to City Council regarding the proposed rezoning to amend a Special Use Permit to allow a mixed-use development in the “C-3” Commercial District and the “R-2” Single-Family and Two-Family District, addressed at 1260 S. Business 35.

(Applicant: Carolyn E. Lehmann; Case Manager: Matthew Simmont)

Mr. Simmont summarized the request and stated Staff recommended approval.

Vice Chair Reaves stated outdoor music was a significant concern for City Council when the original special use permit was proposed. He then stated he held concerns regarding the proposed outdoor music venue being labeled as a “nightclub” in the parking calculation table provided within the staff report.

Mr. Simmont clarified the “nightclub” land use was the closest use related to what the applicant is proposing, and it was partially chosen because the use has a relatively high parking requirement that would accommodate the patronage for a music venue.

Commissioner Meyer asked for clarification on the uses of the adjacent properties.

Mr. Simmont provided clarification.

Commissioner Meyer expressed concerns regarding the proximity of an adjacent resident to the proposed outdoor music venue.

Discussion then followed regarding the initial request.

Chair Edwards invited the applicant to speak.

Carolyn Lehman, 1309 Stonewall, stated she was the applicant. Ms. Lehman explained the limitations of the original site plan tied to the existing special use permit and explained the plan, as approved, could not meet building code. She then stated the original special use permit showed the proposed outdoor music venue to be a storage use. She then stated the owner of the residence closest to the outdoor music venue is objecting the residential buffer wall and is in favor of the request.

Vice Chair Reaves asked the applicant to clarify that the original special use permit request indicated the music venue would be indoors and is now proposed as an outdoor venue.

Commissioner Mathis left the dais at 7:40 p.m.

Ms. Lehman stated that is correct. She explained she figured she would ask for the outdoor venue within her request and it will comply with the City’s noise ordinance. She then stated she is willing to forgo the outdoor music venue in order for the amendment to be approved.

Commissioner Mathis returned to the dais at 7:41 p.m.

Commissioner Sonier left the dais at 7:42 p.m.

Discussion followed regarding the residential buffer wall objection.

Dallas Burrow, 968 Schumanns Beach, stated he would be performing at the outdoor music venue, if permitted. He described the intent of the request and his commitment to performing acoustic music and mitigating any noise related disturbances.

Discussion followed regarding the residential buffer wall objection.

Commissioner Sonier returned to the dais at 7:45 p.m.

Discussion then followed regarding the scope of the request.

Commissioner Gibson asked the applicants if they intend to sell alcohol.

Mr. Burrow stated he would like to apply for a beer and wine license in the future.

Ms. Lehman made clarifications regarding the site plan for the Commission.

Discussion followed.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

Phillip Newberry, 1255 W. Coll Street, wished to speak in opposition. Mr. Newberry expressed concerns regarding the allowance of outdoor music. He then stated that, although the applicant will be playing acoustic music, the next tenant of the property may have an outdoor venue with amplified sound.

Bill Crawley, 1250 W. Coll Street, wished to speak in opposition. Mr. Crawley expressed concerns regarding the noise produced by then entire use of the property and he would prefer a residential buffer wall to maintain as much sound as possible. He further expressed concerns regarding the proposed bed and breakfast.

Maureen Martinez, 1207 W. Coll Street, wished to speak in opposition. Ms. Martinez expressed concerns regarding noise and disturbances and stated she believes the residential buffer wall should be required.

Laurie McKelene, 1270 W. Coll Street, wished to speak in opposition and expressed concerns regarding traffic and on-street parking.

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

Discussion followed regarding the residential buffer wall exemption.

Commissioner Meyer expressed concerns regarding the buffer wall exemption and stated the noise disturbance will not only affect the properties immediately adjacent to the subject property.

Commissioner Laskowski asked if the request is to approve both the current and future site plan as submitted.

Mr. Simmont stated yes, both exhibits would be approved if the request is approved as submitted.

Motion by Vice Chair Reaves, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning to amend a Special Use Permit to allow a mixed-use development in the "C-3" Commercial District and the "R-2" Single-Family and Two-Family District, addressed at 1260 S. Business 35, and prohibiting outdoor music.

Discussion followed regarding beer and wine sales.

Mr. Onion clarified the subject property is already permitted to allow "BYOB".

Mrs. Snell clarified the "C-3" base zoning already allows for beer and wine sales; however, the Commission can make a condition in which only "BYOB" is permitted.

Discussion followed.

Motion carried, with Commissioner Laskowski in opposition (8-1-0).

Chair Edwards adjourned for recess at 8:07 p.m.

Chair Edwards called the meeting to order at 8:15 p.m.

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