

The regular meeting of the Planning Commission was called to order by Chairman John F. West in the City Hall at 8:00 p.m. on October 7, 1968. Representing the City Staff; John O'Rourke

1. ROLL CALL

Commissioners Present:

Creighton, Gue, Heinecke, Moore, Perry, Tusler, West

Commissioners Absent: None

2. APPROVAL OF MINUTES

Commissioner Heinecke moved the minutes of September 16 be approved as written. Motion seconded by Commissioner Tusler and unanimously approved.

3. OLD BUSINESS

None

4. NEW BUSINESS

A. PUBLIC HEARING - REZONING APPLICATION

- (1) Z-104 David Lavelle, application to rezone A/P 7-231-21 known as 29 Magnolia Avenue from Central Business District (C-2) to Neighborhood Apartment District (R-3)

The owner of the property was not present, however, Mr. Charles Hendrickson, prospective purchaser of the property was present.

Mr. Hendrickson said he felt it unlikely that anyone would be willing to develop this property commercially because of the location. He thought he could put 2 studio apartments and a 1 bedroom apartment on the lot and conform to the present setback regulations. He was not too sure he could do this and conform to the new setbacks that the Council is in the process of adopting.

Marie Sevilla, owner of the property next door, said she was in favor of the rezoning.

Commissioner Gue said that although there is property closer to San Anselmo Avenue that had recently been rezoned to Residential Use, he feels this is a substandard lot, and the owner has possibly let the R-1 Use deteriorate so that he does not now have a non-conforming R-1 Use.

Commissioner Perry said he thought that if an exception was made everytime a rezoning application in an area designated by the Master Plan for commercial use was heard, the whole concept, as proposed, would be hopeless. He said he felt this parcel was very right for acquisition by the City, if only for a parking lot.

Commissioner Tusler agreed and said he did not feel the owner's property rights had been denied--he still has a commercial lot.

Commissioner Creighton said he could not approve such a rezoning request. He feels that if the City eventually acquires the lot that would continue Kientz Lane on through to City Hall Avenue, this lot would have an entirely different set of conditions. He was in favor of the City purchasing the lot.

Commissioner West said he felt the Commission must base its decision on Planning considerations. The area has been designated in the Zoning Ordinance for commercial use for good and considered reasons. A failure to adhere to the Master Plan will invite neglect and the resultant deterioration in anticipation of a break down of the zoning. The applicant's problems in marketing real estate and administering an estate settlement would not be a consideration of the Planning Commission. There is no denial of property rights.

involved, nor does Mr. West feel that real estate marketing or estate settlement are a proper foundation for a change in zoning.

Commissioner Perry moved that Z-104, application of David Lavelle, to rezone A/P 7-231-21, known as 29 Magnolia Avenue from Central Business District (C-2) to Neighborhood Apartment District (R-3) be denied for the reason that it is inconsistent with the adopted master plan.

Commissioner Gue seconded the Motion which was unanimously approved.

The staff was instructed to contact Mr. Lavelle by telephone the following day and inform him of the Commission's decision and of his right to appeal the decision to the City Council within ten days.

B. USE PERMIT APPLICATION

- (1) U-147 Application of Coffrini Sisters to conduct a school of drama and dance at 176 Tunstead Avenue

Miss Coffrini said they would not be using the outdoors at all. She said the hours of operation would be from 9:30 a.m. to 5 or 6 p.m. she could not state the exact number of students in the class because she did not have her full enrollment at the present time. However, she did not feel the building would accomodate more than 12 to 15 students at a time at the maximum.

Cards were mailed to adjacent property owners, and there was no one in the audience to protest the application.

Miss Coffrini said that parking is not a problem as the parents rarely attend the classes. They usually drop the children off.

Commissioner Perry moved that U-147, application of the Coffrini Sisters for a Use Permit to conduct a school of dance and drama be granted conditional upon the hours for the proposed use being limited from 9:30 a.m. to 6:00 p.m. the Use Permit to be revokable; that on motion of the Planning Commission the Use be reviewed on June 3rd, 1969; in the event there is cause to have the matter reheard, the Planning Commission do so.

Commissioner Creighton seconded the Motion which was unanimously approved.

5. MATTERS FOR CONSIDERATION OF THE PLANNING COMMISSION"

Chairman West asked about the status of the proposed amendments to the sign ordinance. Commissioner Heinecke said he had nothing to report, but hoped to have a draft soon.


Chairman West brought up the matter of policy regarding public hearings for Use Permit applications. He asked the Planning Assistant to list all uses requiring use permits, and he would then propose to the Commission a policy regarding public hearings.

Chairman West proposed the following format for hearing of applications and said if agreeable to all Commissioners, he would adhere to it as closely as possible hereafter, and would solicit the cooperation of the Commission:

1. Staff report
2. Applicant
3. Co-ments from floor
4. Questions to applicant from Commission
5. Comments from floor
6. Questions from Commission
7. Close floor discussion
8. Commission discussion
9. Motion and second

- 10. Discussion on motion
- 11. Applicant or audience
- 12. Questions or further discussion by Commission
- 13. Vote

at 9:10 p.m. the meeting adjourned.



JOHN F. WEST
PLANNING COMMISSION CHAIRMAN