



Village Planning Committee Meeting Summary

Date of VPC Meeting	January 16, 2019
Request	Request to delete Stipulation 1 to allow access onto 14 th Place.
Location	NEC of Northern Avenue and 14 th Place
VPC Recommendation	Approve
VPC Vote	9-0-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

*3 cards were submitted in opposition to the request, wishing to speak
 1 card was submitted in favor of the request, not wishing to speak
 1 card was submitted in favor of the request, wishing to speak*

Mr. Nick Klimek provided an overview of the case including the request to modify the stipulations to allow ingress/egress from 14th Place, the zoning of the property and surrounding land uses, and the intent of the Residential-Office (R-O) zoning district.

Mr. Rafi Hagopian, applicant and property owner, provided an overview of the request. The proposal is to allow a new access from 14th Place for safety reasons. The current stipulation permits access only from the alley via Northern Avenue; this access is unsafe due to the proximity to the curve in Northern Avenue and the speed and volume of traffic.

Ms. Amanda Petersen, owner of the business, provided an overview of her business, Pathways of Grace. She explained that it produces little traffic and generates little demand for parking due to the nature of the business and the scheduling of sessions.

Committee members asked clarifying questions to better understand the nature of the business, its traffic production and parking demands, the context of the area, any neighborhood outreach, and the impact of the change on the site plan.

Mr. Rafi Hagopian, explained that the site plan would not be changed significantly due to the permitted access from 14th Place because the driveway already exists, that the proposal is to maintain access from both the alley and 14th Place, that there is currently

a sign posted in the alley restricting left turning movements onto Northern Avenue, and that little neighborhood outreach had been completed.

Ms. Amanda Petersen, explained that their traffic and parking demand is approximately 12 vehicles per day and that classes and sessions are typically limited to the daytime but occasionally will run to 7:00 P.M. in special circumstances.

Chairman Patrick Church opened the floor to public comments, stated that he would call those individuals who had submitted speaker cards, and will limit comments to two minutes per speaker.

Mr. Keith Wolfram, resident in the area, made the following comments regarding the request:

- He had personally rezoned to Residential-Office (R-O) and had secured a variance to allow access from 14th Place as required by the Zoning Ordinance.
- Wants the applicant to be forthcoming in his proposal and to follow the established processes including for a variance, Certificate of Occupancy, and complete site improvements required for commercial properties.

Ms. Rusty Tutell, resident in the area, made the following comments regarding the request:

- She was involved in the request to rezone the subject property in 1997.
- Concerned about parking and traffic on 14th Place and the lack of neighborhood outreach.

Mr. Mike Tutell, resident in the area, made the following comments regarding the request:

- He was involved in the request to rezone the subject property in 1997 and that proposal was built from neighborhood consensus.
- Concerned about the impact of the proposal and the applicant's purchase of nearby properties on the quality and condition of the residential homes on 14th Place.

Dr. Karsten Alexandria, adjacent business owner, made the following comments regarding the request:

- She owns the adjacent medical office located west of the subject property on 14th Place and rezoned the property in 2007 to Residential-Office (R-O). As part of the rezone process, she improved the site and the structure to commercial standards and wants the applicant to be held to those same standards.
- Requested a Certificate of Occupancy, commercial site improvements including driveways, detention, and sidewalks be required. The driveway was opened 1.5 years ago without appropriate permits or permissions.

Ms. Gail Turner, patron of Pathways of Grace, made the following comments regarding the request:

- Access to the alley from Northern Avenue is unsafe especially at busy times of day and she therefore supports the request.

Ms. Christy Udel, patron of Pathways of Grace, made the following comments regarding the request:

- Access to the alley from Northern Avenue is unsafe especially at busy times of day and she therefore supports the request.

Chairman Patrick Church invited the applicant to respond to public comments.

At this point in the meeting, Mr. Larry Herrera left reducing the quorum to nine (9) members.

Mr. Rafi Hagopian, apologized to residents and stated that he did not intend to upset anyone and that members of his family live on 14th Place. He stated that the three-foot wall along the western property line was required by the 1997 rezone but that the six-foot wall was not required by the rezone. He further stated that the citation was a misunderstanding with city staff and that he is working to remedy all issues including the required Certificate of Occupancy.

Ms. Amanda Petersen, explained that she tries to monitor and reduce parking impacts by scheduling classes and sessions and includes information about parking in promotional materials and invitations.

Mr. Keith Wolfram, resident in the area, asked to respond to the applicant response but was informed by Chairman Patrick Church that this was not the appropriate time for comments.

Chairman Patrick Church closed the floor to public comments but invited Mr. Keith Wolfram to finish his statement.

Mr. Keith Wolfram, resident in the area, stated that he simply wants the applicant to follow the rules pertaining to site improvements and the appropriate processes including a variance to allow for site access and a Certificate of Occupancy.

Mr. Warren Whitney, asked staff to clarify the history of the case, how it came before the committee, what violations and complaints occurred to bring this case to light, and how the application would proceed to comply with the zoning ordinance.

Ms. Maja Brkovic, explained that the case was flagged by a complaint from a neighbor for unpermitted construction and was subsequently cited by the city. To move forward, the applicant is required to:

- Pursue a Certificate of Occupancy which would trigger the requirement that a site plan be filed with the City;
- The site plan would prompt a requirement for site improvements likely including commercial driveway specifications in addition to new curb, gutter, and sidewalks.
- The applicant would also need to pursue variance to allow access from 14th Place (a local street) to comply with the requirements of the Residential-Office (R-O) district.

Mr. Joshua Matthews, stated that while the process has been poor, the request seems reasonable to allow for safe access to the site.

Ms. Marcia Viedmark, asked for clarification on the process. Asked staff whether the driveway be used while the variance process is underway.

Ms. Maja Brkovic, confirmed that the driveway should not be used until a variance is granted.

Mr. Jason Barraza, noted that the 1997 case also contains a stipulation requiring that an oleander hedge be maintained along the north edge of the property but that there is no oleander hedge on the site.

Mr. Joshua Matthews, stated that the violation was for unpermitted construction but noted that the stipulations from the 1997 zoning case have not been taken seriously, including the oleander hedge.

MOTION:

Mr. Fred Hepperle made a MOTION to approve Z-133-96-04 (PHO-1-18) as requested by the applicant.

Mr. Joshua Matthews seconded the motion.

DISCUSSION:

Mr. Jason Barraza, explaining that while he is uncomfortable with the process, that he believes the request makes sense for the safety for the character of the area and that the non-compliance issues will be resolved through the Certificate of Occupancy, variance, and formal site plan review process.

VOTE:

The motion was approved, Vote: 9-0

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

No Comments