



# City of Harrisonburg, Virginia

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## TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

**SUBJECT:** Public hearing to consider a request from 217 S. Liberty, LLC with representative Michael Jaffee of Matchbox Realty to amend the Zoning Ordinance Section 10-3-30.1, Parking Lot Landscaping. The amendment would create the ability for parking lots within the B-1 district with 10 or fewer parking spaces to be exempt from regulations of Section 10-3-30.1.

### **EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON:** August 10, 2016.

Chair Fitzgerald read the request and asked staff to review.

Ms. Dang said the Comprehensive Plan's 2011-2016 Action Plan identifies priorities that should be implemented starting in 2011 and completed by the end of 2016. One of the priorities identified is Strategy 8.4.5, which states "[t]o consider adding street tree planting and other landscape requirements for new development and redevelopment in the City's land use codes." In 2012, staff presented the Parking Lot Landscaping Regulations Section 10-3-30.1 of the Zoning Ordinance to Planning Commission and to City Council. The regulations were adopted and became effective September 1, 2012. Amendments to clarify the regulations were adopted by City Council on May 26, 2015.

The 2012 regulations built on the previously existing regulations, which required landscaping of at least 15-percent of the area to be used for parking and maneuvering. The base requirement of 15-percent was not increased in 2012, but further requirements were added to ensure that developments and properties develop in a way that is consistent with the guidelines of the City's Comprehensive Plan.

Sections 10-3-30.1 (1) through (15) apply to developing and redeveloping parking lots in all zoning districts. Section 10-3-30.1(16) is associated with non-conforming parking lots and, among other things, states that "[r]epaving, regraveling, redesigning, or restriping a parking lot or increasing the number of parking spaces without increasing the net square footage of a parking lot does not constitute an enlargement," and, thus, is not required to meet Parking Lot Landscaping Regulations.

In addition to supporting the Comprehensive Plan Strategy 8.4.5, parking lot landscaping:

- creates green spaces,
- enhances aesthetics of the property,
- creates a friendlier, more walkable environment,
- reduces air temperatures by shading parked cars and pavement,

- reduces stormwater runoff and water temperatures of Blacks Run, and
- helps parking lots last longer because trees cool the pavement surface.

Presently, 217 S. Liberty, LLC with representative Michael Jaffee of Matchbox Realty is requesting an amendment to the Zoning Ordinance to exempt new parking lots within the B-1 district with 10 or fewer parking spaces from Section 10-3-30.1 Parking Lot Landscaping regulations.

217 S. Liberty, LLC wants to install parallel parking spaces along the southern side of the driveway and cul-de-sac off South Liberty Street serving the Ice House. It should be known that during engineering design and comprehensive site plan review for the Ice House Phase II redevelopment, the driveway and cul-de-sac were shown to be a smaller size and were approved to function only as a driveway with fire lanes. A note on the Ice House Phase II site plan reads:

“There will be no off-street parking associated with these plans and as such does not require parking lot landscaping. If parking is added, compliance with Zoning Ordinance Section 10-3-30.1, Parking Lot Landscaping, will be required.”

During construction, the driveway and cul-de-sac were built larger than what was approved.

The applicant’s proposed amendment occurs within the opening paragraph of Section 10-3-30.1 and is shown below. (Hereafter, the applicant’s proposed amendment shall be referred to as Amendment A.)

This section is applicable to all uses, and to all parking lots, both required and not required, ~~except single family detached and duplex dwelling units.~~with the following exceptions:

- Single-family detached and duplex dwelling units, and
- Within the B-1 district, parking lots with 10 or fewer parking spaces.

All properties being developed or redeveloped shall conform to all regulations of this section. Reference the Design and Construction Standards Manual Example Parking Lot Landscaping drawings 2.6.8 Examples A and B for visual aids of the applied regulations.

Exemption from Section 10-3-30.1 Parking Lot Landscaping requirements would include exemptions from (in summary): separation from public street right-of-way by a landscaping border of not less than 10-ft. in width, separation from side and rear property lines by a landscaping border or fence, minimum landscaping areas equal to at least 15-percent of the total area of the parking lot, a landscaping island of 140 square feet at the terminus of each parking bay, and rows of parking spaces divided at intervals of no more than 12 parking spaces by a landscaping island. (For reference, the full text of Section 10-3-30.1 is provided as an attachment.)

If Planning Commission supports the applicant’s proposal to exempt parking lots within the B-1 district with 10 or fewer spaces, staff recommends further amending the opening paragraph of Section 10-3-30.1 as shown below (text bolded to show differences). (Hereafter, this version shall be referred to as Amendment B.)

This section is applicable to all uses, and to all parking lots and enlarged portions of existing parking lots, both required and not required, ~~except single family detached and duplex dwelling units.~~with the following exceptions:

- Single-family detached and duplex dwelling units, and
- Within the B-1 district, 10 or fewer parking spaces are provided on one parcel.

All properties being developed or redeveloped shall conform to all regulations of this section. Reference the Design and Construction Standards Manual Example Parking Lot Landscaping drawings 2.6.8 Examples A and B for visual aids of the applied regulations.

Adding “enlarged portions of parking lots” clarifies the intent of Section 10-3-30.1 Parking Lot Landscaping regulations. Furthermore, in recognizing that a single parcel could have two or more independent parking lots, staff recommends limiting the exemption to a total number of parking spaces on one parcel.

Regardless of whether Amendment A or Amendment B is chosen, for added clarification of interpretation and implementation staff further recommends amending Section 10-3-30.1(16) as shown below. (Hereafter, this amendment shall be referred to as Amendment C.)

Nonconforming landscaping: An existing building/use that has parking lot landscaping that is nonconforming as to the minimum landscaping requirements of this section may be enlarged; however, parking lot landscaping requirements shall apply to all enlarged portions of existing parking lots, including parking lots in the B-1 district that are enlarged beyond the exemption threshold noted in the opening paragraph of this section. ~~required landscaping shall be at least proportionate to any enlargement of the parking lot.~~ Any enlargement of a parking lot on any property having an existing landscaping border separating parking spaces from public street right-of-way lines, which is five (5) feet or larger, shall provide trees within the border as required by subsection 10-3-30.1(4). (Note: Repaving, regravelling, redesigning, or restriping a parking lot or increasing the number of parking spaces without increasing the net square footage of a parking lot does not constitute an enlargement.)

Prior to receiving 217 S. Liberty, LLC’s application to request amending Section 10-3-30.1 Parking Lot Landscaping regulations, staff had internally discussed proposing amendments to Section 10-3-30.1 to offer a relief mechanism for B-1 property owners to be able to construct a small amount of off-street parking for onsite uses without having to comply with the landscaping regulations. Staff recognizes that there is limited space for off-street parking in the B-1 district, where parking is not required, and that in certain circumstances by attempting to provide a few spaces, the effort and resources may not be worthwhile. (Note that principle use parking lots and parking garages in the B-1 district are permissible only by special use permit.)

Although staff supports a relief mechanism for properties within the B-1 district with limited land areas to construct off-street parking spaces for onsite uses without providing landscaping, staff does not recommend the amendment as proposed by the applicant (Amendment A) to exempt new parking lots with 10 or fewer parking spaces. Rather, staff recommends an exemption for fewer parking spaces.

Table 1, below, shows the number of 90-degree parking spaces that could be provided in the same land area with and without applying the landscaping requirements per Section 10-3-30.1(5), which requires landscaping islands of 140-square feet at the terminus of each end of a parking bay.

**Table 1. Number of 90-degree parking spaces with and without applying Section 10-3-30.1(5) Parking Lot Landscaping.**

<b><i>n</i>-parking spaces (including 1 handicap accessible parking space)</b>	<b>With landscaping island requirements, <i>n</i>-parking spaces (including 1 handicap accessible parking</b>
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	space)
1	0
2	0
3	1
4	2
5	3
6	4
7	5
8	6
9	7
10	8

Table 1, above, illustrates that if a parcel has land area for 4 or less parking spaces, 50% or more of the available land area would be required for landscaped islands. With land area available for 5 spaces, a parcel could achieve 3 parking spaces with landscaped islands, which is more than half.

Staff recommends amending Section 10-3-30.1(16) as shown previously in Amendment C and also amending the opening paragraph of Section 10-3-30.1 to read as shown below to allow an exemption for 6 or fewer parking spaces in the B-1 district. (Hereafter, known as Amendment D.)

This section is applicable to all uses, and to all parking lots and enlarged portions of existing parking lots, both required and not required, ~~except single family detached and duplex dwelling units~~, with the following exceptions:

- Single-family detached and duplex dwelling units, and
- Within the B-1 district, when 6 or fewer parking spaces are provided on one parcel.

All properties being developed or redeveloped shall conform to all regulations of this section. Reference the Design and Construction Standards Manual Example Parking Lot Landscaping drawings 2.6.8 Examples A and B for visual aids of the applied regulations.

To further understand staff’s position, staff created Figures 1 through 8 (included in agenda packet) to illustrate general parking lot layouts with 90-degree parking and parallel parking for 6 and 10 parking spaces, exempt and not exempt from Section 10-3-30.1 Parking Lot Landscaping. Given the vast number of layout scenarios, depending upon location and size of the land area available for a parking lot, for purposes of simplicity, only exemptions from landscaping islands of Section 10-3-30.1(5) are illustrated.

Staff recommends the following,

1. Deny the ordinance amendment as presented by 217 S. Liberty, LLC,
2. Amend the opening paragraph of Section 10-3-30.1 Parking Lot Landscaping to exempt 6 or fewer parking spaces in the B-1 district (Amendment D) as shown below.

This section is applicable to all uses, and to all parking lots and enlarged portions of existing parking lots, both required and not required, ~~except single family detached and duplex dwelling units~~, with the following exceptions:

- Single-family detached and duplex dwelling units, and
- Within the B-1 district, when 6 or fewer parking spaces are provided on one parcel.

All properties being developed or redeveloped shall conform to all regulations of this section. Reference the Design and Construction Standards Manual Example Parking Lot Landscaping drawings 2.6.8 Examples A and B for visual aids of the applied regulations.

3. Amend Section 10-3-30.1(16) to read (Amendment C) as shown below.

Nonconforming landscaping: An existing building/use that has parking lot landscaping that is nonconforming as to the minimum landscaping requirements of this section may be enlarged; however, parking lot landscaping requirements shall apply to all enlarged portions of existing parking lots, including parking lots in the B-1 district that are enlarged beyond the exemption threshold noted in the opening paragraph of this section. ~~required landscaping shall be at least proportionate to any enlargement of the parking lot.~~ Any enlargement of a parking lot on any property having an existing landscaping border separating parking spaces from public street right-of-way lines, which is five (5) feet or larger, shall provide trees within the border as required by subsection 10-3-30.1(4). (Note: Repaving, regravelling, redesigning, or restriping a parking lot or increasing the number of parking spaces without increasing the net square footage of a parking lot does not constitute an enlargement.)

Chair Fitzgerald asked if there were any questions for staff.

Mrs. Whitten asked what is the requirement now for handicapped spaces. Is there a formula for how many handicap spaces you have to have?

Ms. Dang said it is one per twenty-five, and if you have one parking space that one parking space has to be an accessible space.

Mr. Finks asked if there was a special use permit for this individual situation and consideration for this property.

Ms. Dang asked for him to clarify what the special use permit would allow.

Mr. Finks said rather than a zoning amendment, is there a special use permit for this individual.

Mr. Fletcher said there would have to be an ordinance amendment to create the special use permit to be able to apply for the special use permit.

Mr. Finks said okay.

Mr. Colman asked whether the six parking spaces as presented by staff exempts all parking landscape requirements.

Ms. Dang said correct.

Mr. Colman said anything greater than six parking spaces would require full landscape requirements.

Ms. Dang said that is correct.

Chair Fitzgerald asked if there is anything else for the moment before we open the public hearing and let the applicant speak. Hearing none, she opened the public hearing and asked if the applicant would like to come forward and speak at this time.

Barry Kelly said I am with Matchbox and I'm one of the developers of the Ice House Complex. I have got several points that I would like to run through to kind of catch you up on this multiple year process that it went through to go from what we saw five years ago as graffiti covered buildings to a 13 million dollar investment for the improvement of the heart of our city.

One of the things I want to bring up is the note on the site plan as submitted that was brought up tonight. I was not aware that the note was on there, why the engineer put that on there, it is in small print, my fault. It was an existing fully paved parking lot when we took over. That was used for parking, the whole place was used for a parking lot when we took over the Ice House building, which is one point I want to make clear. I understand that is our site plan and we signed off on it, but we had no idea that we could not park on a parking lot.

The second part of that is you might notice that we put a permeable parking lot in there, which was 40-50 thousand dollars of additional expense because we care about the same issues you do. We wanted to make sure that was done with the best quality possible, and also to be an example for the rest of the city. We wanted to do the permeable pavers and areas that would best suit for our storm water management and things of that nature. We did not have to do that, we did it because it was the right thing to do. We also added a lot of plantings and stuff in there; again it was our understanding we did not have to put in any. We did not have to take up any of that paving, but we did. We wanted to create a space that was special and unique to our city and to the people who live and work there, and I think we almost achieved that until we got to this point when we find out after the fact, oh you cannot park in your parking lot and you cannot park in there for several reasons. One reason because the fire engines want to be able to do a loop around there without having to back out. Where they have to back out everywhere else in the city they decided that they need to be able to drive in a circle instead of back out. Secondly we find that the parking spaces that are in there have to come under this parking landscape ordinance.

As you can see in what was drawn up here nothing on here described our parking lot. We have a circular, unique building site and we worked with what we have, to come up with the highest and best use of the space. Part of what our plan has always been from the very beginning implementation is to create a tourist hub that would tie into the farmers market and would tie into the new park we have been working on for the last five years. To create another space where people could live and work mostly in the retail business that can do business there. That is where we are finding our most difficult part because we cannot put up signs and say thirty minute parking on our parking lot, because we are not suppose to be parking there right now anyway. What is it doing to our retail there? They are struggling. It is a difficult thing to begin with. To take a building like that and convert it to something new and different and then to put these road blocks in the way. I understand why you have these codes and you have all these different laws and the zoning ordinances, they make perfectly good sense. Sometimes we tend to cut off our noses in spite of our face; it is just absurd that we would do this to ourselves, when we are trying to create a vibrant downtown and we would not see the importance of having every parking space we can have. The first thing people say, and I probably have 100 relatives that live in the county and every one of them says they do not come downtown because there is no parking. But when they do come downtown we get "wow, the restaurants are great, I love them but I just cannot find any parking." Instead of taking the entire pavement we have downtown, we have two, four lane, five lane maybe six lanes if you put them all together running through the heart of downtown and we leave it to use that for just a couple cars to go by in and out. Then, when we take the spaces we do have and limit the use of that, and I know again that I am speaking outside the bounds of comprehension because it is not in black and white, but it does not make any sense.

We are not going to be successful as a community. I stand here before you as your neighbor, as a long time community member and an investor that hopes to have my children stay here for their lifetime to come and we continue to improve properties. This has been our goal and objective our whole time as Matchbox Realty, as individuals and as partners, is to improve the downtown and we could not do that by limiting ourselves to six parking spaces on a 50,000 square foot building, when we have oodles of it

available. There are other ways to make this happen and meet our goals and objectives. Permeable pavers seems like a very good part – if this is an aesthetic reason that we are doing the landscaping, then I hope we have met the aesthetic goals and objectives. If it is some other reason or for safety reasons, well I would like to know what those safety reasons are, because I have not heard them yet.

So I ask you tonight to strongly consider not for me, but for our community to think about the bigger picture of what we are trying to do here to make improvements to our core, our heart beat of our town, to create commerce, to have people come back here, to create revenues. We took an \$800,000 building that was totally underwater just five years ago and we created a \$15 million dollar taxable entity in the heart of downtown. I ask that you look at this in a bigger picture and think outside the box a little bit and approve the 10. I think we can have 16 spaces and ideally it is what we want. We were asked what the minimum amount you can get away with is. Well, ok 10 at least, that gives us a picture of that, but we can use more, we can have more and it would not do any damage to any of these things that are in that black and white document. I am asking you to please consider strongly allowing this ordinance as we requested to go through, thank you.

Hugo Kohl, I live in downtown Harrisonburg and I own property in downtown Harrisonburg. As probably all of you know, I rent a significant portion of the Ice House. My first objection to this if we can go back a few slides, it is poorly represented what this parking space is. When we look at the site plan, the first thing that should be obvious is that actual parking lot that exists there in brown is smaller than the parking lot that was there to start with. If I read this code section that was included in with the packet for this meeting correctly, these rules only apply if a parking lot gets made bigger. It is substantially smaller. Why is it smaller? Because on the side next to Blacks Run there are significant green spaces with trees planted and several benches that sit and then on the other side up against the building there are additional pedestrian spaces to what there were to start with. Unless I am really reading this mistakenly, there is no jurisdiction here.

Now, let us go back to the tourism thing and what is the quality of life in downtown Harrisonburg. It seems kind of oxymoronic to say that we are going to put several hundred people in the space here, but we will not give them access to the space. I do not know how you expect people like me, who are trying to build something that has to do with tourism and commercial activity, to operate down here.

This section 10-3-30 something I think that in bracket 16 says that the space is changed if it is repaved and if anything is done to it, it is exempt if it is not actually getting bigger. You could reline the spaces, you can do all kinds of things but if you want to make it any bigger, then it was not exempt, so I do not even know why we are facing these limitations here to start with. Next thing is, the examples of how people would park in 90 degree spaces where in a linear fashion do not really apply to that shape there. I do not really see a whole lot of straight lines or a whole lot of places where those drawings apply to that specific shape, but what you can do is, you can walk down there and you can take a tape measure and you can measure off how spaces could be there and you can get a lot more than six spaces. First, there is this conception that there is not a green space there and that there are not trees and so I do not think is well represented at all. There were four things in this packet that said what is the spirit of this, well it was to abate stormwater runoff and it was to create safe pedestrian spaces and add some green areas.

Does anybody remember what it was before? There were tractor trailers going in and out of there and big giant service trucks servicing the ice factory. Now it is significantly calm and there are just a few cars that need to be in there, limiting it to six spaces just does not seem reasonable. If I have any objections with the application that Matchbox, made it is wholly, six spaces. Really? What does that do? How does that change? If you have a brewery in there, and if you have somebody like me in there,

you are effectively putting up a barbwire fence and stopping people from coming in and it is hard to encourage us to do the thing that the city says it wants us to do, spend money, build infrastructure; then make these limitations. I certainly would like to hear you guys comment on this thing that says that the space is not getting any bigger that there is not an issue here.

Chair Fitzgerald said traditionally the public hearing part of a discussion like this is for the public. As soon as we close it I am sure we will be addressing all those. She asked if anyone else would like to speak.

Michael Jaffee, from Matchbox, said my only concern is with the six spaces. My concern is that if you are going to limit it, we want it to be 10, but you are going to need at least 70 percent more land in order to create two additional parking spaces to get to eight using your table. You are going to need space for four additional spaces just to get those two. When we look at the limited land that is available downtown for parking, if you are going to require so much more land to be available just to meet this, nobody is going to say that they have eight spaces anymore, because if you are going to have room for eight spaces, well, why would I put two things of landscaping on six spaces that just does not exist. You have left a little gap there that I do not think it is ever going to be used. You are never going see more than six and less than 12, you are leaving stuff on the table here, and I feel like 10 is closer to where we need to be than six is.

Chair Fitzgerald asked if anyone else would like to speak. Hearing none, she closed the public hearing and asked Planning Commission if you would like to first make a motion on the request for the purposes of discussion or would you like to ask some questions and discuss first.

Mrs. Whitten said I think perhaps discussion might be in order.

Mr. Colman said I am good with that.

Chair Fitzgerald asked if somebody would like to first address the issue of the existing parking that was brought up by the applicant – perhaps Alison.

Mrs. Banks said the very first paragraph of Section 10-3-30.1 Parking Lot Landscaping states that this “is applicable to all uses and all parking lots, both required and not required except single family detached and duplex dwelling units. All properties being developed or redeveloped shall conform to all regulations of this section.” The Ice House project was a redevelopment of a property. It may not of have been a new development but for us it was a redevelopment of a property, and therefore they had to conform to parking lot landscaping regulations. If this would have been a building permit to just do some interior renovations here and there that is one thing. But when someone comes in with a plan and we look at the amount of work that they are doing, whether it is their site work, whether they are doing demolition work, whether they are doing just upgrades, we take all that into consideration. This project was considered a redevelopment; therefore, the parking lot landscaping regulations apply.

Mr. Fletcher said if I can add to that, so talking in terms of redevelopment, you have to remember that it was an industrial use before and the understanding of redevelopment is you are changing the entire use of the property, so it is a redevelopment. Many of you were on the Commission when parking lot landscaping regulations were adopted. Subsection 16 is associated with non conforming buildings and uses such as parking lots and all those issues. When you have, say a shopping center for example, and let us just use one as an example – Port Crossing Shopping Center on Port Republic Road, where there was significant space still left to add on to that shopping center, that existing parking lot is not conforming to parking lot landscaping today. If they want to add on to that shopping center, you would be adding the square footage to the building, and thus you would have to add parking to the property as well. Maybe not with the Port Crossing shopping center would they have to add parking as they



probably over built parking, but if they chose to add parking, then let's say they added 20 parking spaces to the site, subsection 16 covers the addition of the 20 parking spaces, because those twenty parking spaces is an enlargement of the parking lot. The jurisdiction question does not come into play and those decisions were made years ago as to what this site was. In terms of the cul-de-sac, yes it was designed like this (reference to the site plan).

Also note that there was no central art piece in the center of the site plan. A lot of this had to do with fire apparatus set up on the property, so it was not just about the fire apparatus being able to come in and out. Let me caution you, I will not be able to speak to all the Fire Department's concerns, but it was not just about being able to pull in and go all the way around the cul-de-sac, it was to be able to pull in and get the right angle of the fire apparatus to be able to fight any fire on that property because of the angle of the building. It was not about the access in and out of the property that way; it was about set up of the fire apparatus. Enlarging of the space, it created a different scenario out there. Had it been built like the site plan, there might not have been a visual reference to folks thinking "hey I can park here." This was designated to be a fire lane; there were lots of issues that were coming into play. I do not know if that helps, at least paint the picture a little better. Are there other questions for clarification of ordinance interpretation?

Barry Kelly said that is not actually correct about the fire lane. I spent multiple meetings with the Fire Department about that. They did not think there was going to be any parking there, you are correct. It was never designated as a fire lane. There were three different times they came in there with the truck and they came with three reasons why they wanted no parking there. The first time when they actually brought the truck in there they said we can get here, but we cannot back out, that was the last thing that came up. The first thing they said was we cannot get to where we need to get to. Once they realized we can get to where we need to, then it was like well, we have to back out on the road though, even though they have to back up in the lot, the centerpiece does not affect them in any way shape or form and we offered to take the centerpiece out if it does, and we will take the centerpiece out if that is a life safety issue, we'll take it out. That was not the issue and I will be glad to talk to Ian or whomever, because I was there when former Chief Shifflett brought the fire truck in there to do this and they had to back up just to make it in without even going to the center. They realized that was an issue of getting to where they needed to get to. The only issue that I have seen in the three times I have met with them out there with the fire truck, is backing out onto Liberty Street, that is their concern and that is why they do not want any parking spaces there. I just wanted to clarify that, thanks.

Chair Fitzgerald said the second issue I heard was why we were using examples of square straight line parking spaces. I think that one is sort of an easy one to talk about, because we are talking about a zoning amendment here that covers the whole city not just this specific piece, which clearly has a lot of straight lines on it in the places that you would like to put parking spaces. If we are going to consider the number and the other associated issues surrounding it, this is one thing to consider, but it has to apply to all potential properties that the amendment in this particular zoning area might cover.

Michael Jaffee said yes, but this is only for B-1.

Chair Fitzgerald said right, but all other properties in that particular zoning that it might apply to. That is a question I was going to ask, do we have some sense about whether there are a whole lot of properties that this could apply to?

Mr. Fletcher said no. I think it can apply to many properties for all the redevelopment opportunities that we have downtown. Also remember too that they have the ability right now to go in and make physical changes to do bump out landscaping islands and they would not be here this evening requesting an amendment. They can meet the parking lot landscaping regulations with physical

improvements to the area. They can go in, and yes they would have to cut out some of those pavers and so forth and put in the landscaping island to meet that and they might get up to, I do not know whatever the number is, but they could do that. They were hoping that they can be successful with this approach, which was a suggestion by staff that this could be an option and we may not come to the right number in agreement and we didn't, but that is always an option.

Mrs. Whitten asked is it not true that when we get plans such as this one that we got tonight, from Eastern Mennonite School, that parking is on the plan too. That it shows up like this plan, we are looking at on the screen, and there is no parking showing up, right? There was no plan for parking in that area, am I correct?

Mr. Fletcher said, right, but remember this is B-1, so they are not required to put in parking. When they submitted the comprehensive site plan they did not have to provide parking. If they were going to provide parking they would have to have met the parking lot landscaping regulations, which is why the note was on there. I recall speaking with my predecessor when there were calls to the engineer about whether that note would be applicable for them to be able to have approval to continue moving this forward, there was a lot of pressure in pushing to get this approved, so the note was added to clarify "they do not need to be concerned about parking lot landscaping because it's not going to be parking."

Mrs. Whitten said, and that is pretty clear.

Mr. Colman asked what is it. Is it an emergency access lane, is it a plaza, what was it intended for, if it was not intended for parking, then what was intended? If it was intended for parking, then why was it not designated as such, that is certainly the confusing aspect of it. However if, you want to use it as a parking lot now; well first, I want to say that if it was intended for parking, no offense to the engineer who I know well, it's not the most efficient way to do it. If now you want to turn that into parking, do we need to create those green areas in terms of removing the pavers and create green areas, or is there a provision for us to use pavers, something somewhat similar that we provide the green islands, as long as we meet the required square footage of green space?

Mr. Fletcher said let me make sure I understand your question, are you saying, if the amendment was approved.

Mr. Colman said yes if the amendment was approved.

Mr. Fletcher asked what would they have to do to be compliant?

Mr. Colman said yes.

Mr. Fletcher said they would not have to do much of anything, except for delineating the ten parking spaces. If the amendment is approved the way they are asking.

Mr. Colman asked if it's approved the way staff is asking for then, what are we talking about?

Mr. Fletcher said they could mark off six parking spaces.

Mr. Colman asked how would they comply with the landscaping?

Mr. Fletcher said, they do not have to comply because they would be exempt from parking lot landscaping with only six parking spaces.

Mr. Colman asked what if they want to have more spaces than six?

Mr. Fletcher said then they would have to comply outside that threshold.

Mr. Colman asked are there limitations in terms of how do you comply with the landscaping?

Chair Fitzgerald asked are you thinking about its circular shape?

Mr. Colman said no. The burden of having to go and excavate, bring soil and recreate that area.

Mrs. Banks asked are you talking planters, bringing large planters in?

Mr. Colman said planters; yes, something like that.

Mrs. Banks said yes, planter boxes or large planters would be acceptable.

Mr. Fletcher said yes, we kicked some of those ideas around with them; we had good conversations with them trying to brainstorm this. This has been a long time coming; we have been trying to figure this out. For them, it just made more sense to go this route, to try this approach.

Mr. Colman asked are the islands at the terminus, the biggest burdens right now or is there a need for more parking or more green space surrounding the parking area?

Mrs. Whitten asked in this particular case?

Mr. Colman said yes in this particular case.

Mr. Fletcher said I see what you are saying; we have focused greatly on if they were to go in and make physical improvements; to make it compliant. I am making a guess, that if they were to put in the parking lot landscaping islands and they calculated all the landscaping they already have in place, I have a feeling they would meet the minimum requirements. Again, it's a guess, I've not calculated it, I am just eyeballing it and I have a feeling they would meet it.

Mr. Colman said I am just trying to think considerably there is a way you can have two termini and twelve spaces in between. Is that possible?

Michael Jaffee said not with the current restrictions.

Mr. Fletcher said I do not know how many they would actually get.

Michael Jaffe said that the maximum we could get would be 10.

Mr. Colman said I understand your argument.

Chair Fitzgerald asked if there are any questions or comments.

Mr. Colman said I would say I understand your pain, because many times I would like to change the rules, to put it that way, to get something that seems more beneficial to my client at the time. In each instance we have different situations, where we have to comply with the rules. I understand the argument of all the money you put into this and it's a beautiful area, it is a beautiful spot. It is really a great improvement to the city for sure, but as we move forward with other plans we need to consider that as well. How are we going to consider this need for parking? Again, we need parking and yet we are trying to limit you in how much parking you can provide. I understand the argument. On the other hand, it is also an argument of convenience. It would be great if I can park right there, but I could park across the street and just walk across the street. I understand that you have the space there.

Barry Kelly said but you're making the rules.

Hugo Kohl said that is not an accurate assessment that you can just park across the street. The municipal lot across the street is pretty much full. It is not half full, it is not three quarters full, and it is not 80 percent full, it is greater than that. That is not exactly true that you can just park across the street. I can say that because I am at the Ice House all day from about 7 a.m. until 6 p.m. I live in Old Town, and I usually walk between the two, the parking spaces are not available. So just saying that is purely a matter of convenience, it is not accurate. There are other issues inside that building too. For

instance there is a yoga studio that has all kinds of special care for lots of handicap customers. Where do they go, how do they get in, do they need to walk across the street?

The city has this big giant municipal lot and it is kind of choosing not to manage it by just calling it 10-hour parking. We do have to face the fact that at some point in time the conference center is actually going to open. We sort of did make a commitment towards tourism. How are we actually going to manage these assets? It is great that you say that there is parking across the street but it is not being managed. It is sort of a gorilla parking – it is a free-for-all over there. Mostly it's for people in the municipal building and people in the church. So when you think about parking downtown maybe you start thinking about how other cities that have bigger parking problems than us deal with it; they meter it and they ration it. Maybe the municipal workers park on top of the parking deck and walk. There is a whole lot of parking space that could actually be turning over and making money and sales tax. These things sitting all day with the car on it, for 8-10 hours, that is not paying anybody. When these parking spaces are turning over and people shopping and doing something that makes money. I do not think it is intentional but there is hypocrisy to say that we want you to develop and we want you to bring interesting things here, and yet in another way there is this hand tying. You can easily put 10-12 spaces in there; and it has been significantly improved – there are trees, there are benches, and there are significant additional walkways as improvements from when it was an ice factory.

The spirit that the city asked for was we want to make more friendly pedestrian spaces and we want to have shade and we want to deal with water runoff. That stuff has all been dealt with. The statement that parking spaces are a really super finite resource that it is in a super high demand and spaces are there but we just cannot use them. It is not really dealing with what is coming in the next year when the conference center opens up or when the farmers market expands. We are not answering those questions in this kind of discussion.

Chair Fitzgerald said well that is not exactly the place for this kind of discussion.

Mrs. Whitten said 10 spaces, in all fairness, is not going to solve that one either.

Chair Fitzgerald said this is still not a public hearing, so let us kind of settle in here and figure out what we would like to do.

Mr. Finks said from someone that works right across the street, I definitely see the need for more parking. Most days, the municipal lot is filled. I definitely appreciate the care that you all took to put permeable pavers and extra trees. The issue is just that I think you all put a lot of care into considering green space and considering the environment, but if we are going to change the Zoning Ordinance for this entire city, that may not be an option in other scenarios. For the future we have to consider what is coming down the road, what is going to be developed in the future, that is a consideration. I feel with this situation you guys have taken a lot of thought and care into considering the environment, considering green spaces, but we have to consider the future of the city and changing city ordinances.

Chair Fitzgerald said I do not think anyone up here would not stipulate that parking is a huge issue for retail and other businesses in downtown, whether you are a restaurant or whatever.

Barry Kelly said well the future is now.

Chair Fitzgerald said but we are dealing with this particular issue for this amendment right now. We cannot solve the parking problem here.

Barry Kelly said if you can point out one other example that this affects in B-1, downtown zoning, I would love to see that because there is no example. We are talking about this one example in B-1 that is very intricate.

Chair Fitzgerald said we understand all of that and I think that has been an issue at every council election, how are you going to fix the problem. We understand that the conference center will change the nature of it, but let's talk about this right now.

Mrs. Whitten said you do not, with an issue this huge, fix it with a single zoning amendment, that is just not the way it is done.

Chair Fitzgerald asked for further discussion on the request or perhaps a motion in one direction or another. A motion for the purposes of discussion even, would be welcomed.

Mr. Finks said are we making three separate motions or one motion.

Mr. Fletcher said it all depends on how you want to go forward.

Chair Fitzgerald said there is the applicant's proposal, there is the staff proposal with modifications to the applicant's proposal and then there is the staff recommendation. Those are three to choose from.

Mr. Fletcher said and then also we call to your attention the other amendment that regardless of those three options for proper implementation, subsection 16 should also be amended.

Chair Fitzgerald said but this first.

Mr. Fletcher said right.

Mr. Finks moved to approve applicant's proposal for matter of discussion with the amendment to subsection 16.

Mr. Colman seconded the motion.

Chair Fitzgerald said any discussion.

Mr. Fletcher said if I can just say one thing. If you do like their proposal of 10, Option B is the one to go for. The reason why Option A is on the board is because that was officially submitted and the back and forth communication that we had with them, not all the fine details were worked out. If you do like 10, which is what the applicants want, Option B might be the way you want to go. I hope that makes sense. I know it is very confusing there is a lot of moving parts here.

Mr. Finks withdraws motion to approve Option A.

Chair Fitzgerald said that motion has been withdrawn. Would you like to try for the spirit of 10 with the revisions and tweaks suggested by staff? Would anybody like to move with that, for the purposes of discussion?

Mr. Fletcher said I do not want to speak out of term because there is also another small detail here. The applicant's proposal to A is slightly different enough that it was ten or fewer parking spaces and it does not really delineate a parking lot. What we were trying to do is clarify how we would interpret it and be with the 10 or fewer parking spaces on one parcel.

Chair Fitzgerald said we need a motion for B.

Mr. Finks moved to approve Option B as submitted by the applicant with staff modifications, along with subsection 16.

Mr. Colman seconded the motion.

Chair Fitzgerald said the motion is for Option B; any further discussion? Hearing none, she called for a voice vote on the motion.

All voted in opposition (5-0) to Option B as submitted by the applicants with staff modifications along with subsection 16.

Chair Fitzgerald said if anyone would like to make a motion for the staff recommendations which is Option C of six spaces with amendment to subsection 16.

Mrs. Whitten moved to approve Option C, which is staff's recommendation of six spaces with amendment to subsection 16.

Mr. Finks seconds the motion.

Chair Fitzgerald asked if there are any further discussions.

Mrs. Whitten said the landscaping ordinances go back to many years ago. I certainly remember farther back when rocks were landscaping here. I do not want to see us reducing landscaping, I just do not. I have traveled to plenty of cities that have small parking lots that have landscaping and this particular lot is very pretty, the one that we are discussing now. But when we are making an ordinance change we have to keep in mind that there's always going to be somebody that is not going to do it the way that you would like to see it done, unless, you have a rule that says they have to and that is just the way it is.

Mr. Baugh said as somebody who sits in a lot of other groups including some discussions we had recently, it is all starting to make my head hurt the way I hear people, and certainly I am not talking about anybody in the room right now, but I am saying in terms of the general discussion it is fascinating to hear how many times I am hearing people pounding their fist on the table and stating emphatically we absolutely need more parking, our rules are screwed up, we are not being friendly enough to parking and then I will have somebody else pounding their fist on the table about our rules on parking are ridiculous we make people put in way too much parking and we need to find some way to reduce that. I will say it is interesting.

Chair Fitzgerald asked if there was any further discussion.

All voted in favor (5-0) to Option C, which is staff's recommendation of six spaces with amendment to subsection 16.

Chair Fitzgerald said you have another bite at the apple which is September 13<sup>th</sup>, when this goes to Council.

Respectfully Submitted,

*Alison Banks*

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Senior Planner