

GEORGETOWN PLANNING COMMISSION

Meeting Minutes

Friday, August 18, 2006

CALL TO ORDER

The Georgetown Planning Commission held a special meeting on Friday, August 18, 2006 in the Georgetown Community Center, 613 6th Street. Chairman Sarah Kaminski called the meeting to order at 7:00 p.m.

ROLL CALL

Answering the roll were Chairman Sarah Kaminski, Vice Chairman Cynthia Skeen, Commissioners Paul Nisler, Malcolm Schaefer, and Greg Sterett and Alternate Member Jerry Fabyanic. Also in attendance was Recording Secretary/Town Clerk Merinel Williams.

AGENDA APPROVAL

Ms. Skeen moved to approve the agenda as presented. Mr. Nisler seconded and the motion was adopted by unanimous vote.

AUDIENCE BUSINESS - None.

NEW AND UNFINISHED BUSINESS

Continued Public Hearing to consider the following applications from the Walter V. and Idun Y. Berry Foundation, Georgetown Lake LLC, and Meritage Development Group LLC: Conceptual Subdivision Plan and Gateway Mixed Use District Overall Development Plan for the Georgetown Lake Lifestyle Center, a mixed use development on an approximate 18.5 acre site just west of the Georgetown lagoon, south of 22nd Street, east of Argentine Street, and north of the Creek House Condominiums, commonly known as the Berry Trust Land

Steve Seiffer represented the applicant.

Ms. Skeen expressed concern that since construction of various components of the development will be phased, the intent of the zoning for mixed use will not be achieved until build-out, and there is no guarantee that full build-out will ever occur. Mr. Seiffer confirmed that there is no definitive plan for the phasing, it will be a continuing evolution.

Ms. Kaminski detailed the level of compliance with the Gateway Mixed Use zoning district for each of the proposed buildings. Building H, the multi-family structure, is located in the Multifamily Residential zoning district and therefore is compliant. She recommends approval of all of the proposed buildings and their uses, conditional upon approval of variance, special use permit and/or a planned unit development applications to sanction the items of non-compliance. Ms. Skeen pointed out that the bottom line is that only two of the proposed buildings and their uses are compliant with the zoning. Mr. Nisler stated that he does not see any insurmountable problems with these zoning issues.

The Commission discussed parking issues and Mr. Schaefer noted that the majority of public and Planning Commissioner comments all indicated that the space devoted to parking in the original plan was excessive. Mr. Nisler commented that ample parking at this location in concert with a local shuttle system could help to alleviate parking problems in the downtown area. It is necessary to provide adequate parking for peak use times at the development. He believes that the second revised site plan is an improvement regarding the parking issues.

Mr. Schaefer questioned whether some of the retail space planned in Buildings A, G & C could be moved to the hotel, but Mr. Seiffer opposed this plan stating that they want to encourage guests to visit the stores outside of the hotel.

Mr. Nisler stated that the zoning application meets the intent of the Gateway Mixed Use District, although much work needs to be done on the details of the proposal.

The Commission discussed whether the application meets the design criteria, and Mr. Schaefer commented that the requirement for a campus style plan was intended to be visually pleasing for residents on the east side of the lagoon. The current plan, which moves all parking to the west side of the buildings is a visual improvement for those residents. It is a trade-off that also protects the greenway area, and it is good for the economy. Mr. Nisler commented that good architectural treatments can de-emphasize the size of the larger buildings.

Ms. Skeen quoted the street vacation regulations which express that it is not the policy of the Town to vacate public properties solely to advance private interests. She pointed out that the applications seem to presume that the Town will give the vacated land to the applicant at no cost. She would prefer that the vacated land be traded for Town ownership of the applicant's land under the lagoon. Mr. Schaefer responded that an argument can be made that the development will generate a large economic benefit to the Town, which could be considered to be a public benefit for street vacation purposes.

Ms. Skeen stated that the greenway will be a public benefit if it is large enough to be useable. Mr. Seiffer pointed out that next to Building B the greenway will be 75'-80' wide. Mr. Sterett spoke in support of dredging the lagoon in order to widen the greenway. He is concerned that perhaps too many parking spaces were removed in the vicinity of Building B, and he also believes that the number of trees shown on the plan is much too optimistic given the extreme site conditions.

Mr. Fabyanic questioned whether green energy techniques can be included in the project. Mr. Seiffer responded that they will consider anything that is reasonable in this regard, and they support the concept.

The Commissioners generally agreed as follows:

1. They prefer the second revision to the site plan.
2. They will rely on the Town Administrator's recommendations regarding the sufficiency of parking. The current plan has sufficient parking.
3. An increase in height for the hotel to 45' cannot be supported unless a specific design is presented and area residents have the opportunity to comment on it (2 Commissioners do not support even considering a height increase).
4. The current site plan design does not shut off access to the greenway.
5. Connectivity of the greenway with the county's greenway plan is provided.
6. The Planning Commission recommendation should recommend approval of the second

- revision of the site plan contingent upon approval of the additional land use processes necessary to sanction those items which are now non-compliant with zoning.
7. The legal issues regarding vacating the streets should be referred to the Town Attorney.
 8. The issue of whether the Town can legally exclude fast food restaurants as a use should be referred to the Town Attorney.

Ms. Kaminski will draft a recommendation for review at the Commission's regular meeting on August 23. Mr. Schaefer moved to continue the hearing to August 23. Mr. Nisler seconded and the motion was adopted by unanimous vote.

Request from the Board of Selectmen for reconsideration of the Commission's recommendation regarding draft Ordinance No. 07 changing the requirements for Bed and Breakfast (B&B) facilities

Mr. Nisler recused from participation in this agenda item because he is the owner of a Bed and Breakfast facility.

Mr. Schaefer stated that the following comments are not intended as an admonishment of any Commission member. Following the Commission's recommendation on this issue, one member attended the Selectmen's meeting and recommended tabling the matter because she didn't believe the Planning Commission had given thorough consideration to the matter. He suggested that any time a member does not believe there has been sufficient consideration of an issue, that member should ask that the matter be reconsidered by the Commission before it is passed to the Selectmen. He suggested further that if a member plans to address the Selectmen in opposition to the Commission's decision, that member should inform the other members of the Commission of that intention.

Ms. Skeen responded that she does not believe that membership on the Planning Commission removes a member's right to speak at a public meeting as an individual. She expressed her concerns first at the Selectmen's first reading on the ordinance before the Planning Commission hearing, and she did not feel like the Selectmen paid much attention to her comments. She stated further that other members of the public besides herself did not agree with the Commission's recommendation as well, and at the Commission's meeting she felt pressured to vote for five rooms, believing that if she did not, six rooms would have been approved.

Ms. Kaminski stated that the Commission's recommendation for an increase to five rooms was based on a belief that the requirement for a special use permit would adequately control potential impacts.

Ms. Skeen listed her concerns as follows: (1) the off-street parking requirements would encourage the removal of lawns in favor of parking spaces for additional rooms, (2) there are no houses in the Historic Residential zoning district large enough to accommodate five guest rooms, (3) the rules as they are currently constituted work well in the Historic Residential district, (4) she would prefer to encourage small inns rather than B&Bs in non-residential districts, and (5) she works next to a B&B and has first hand knowledge that at its current size of three guest rooms it generates significant traffic.

Mr. Schaefer commented that B&B's should be encouraged because of their economic benefit to the Town, and that B&B's tend to maintain a high quality appearance for their facilities because that is necessary to attract guests. He pointed out that the Hamill House museum is located in a residential neighborhood, and it creates significant non-residential impacts that are tolerated because the facility is a benefit to the Town.

Matt Skeen questioned the wisdom of changing the law to accommodate one business when the All Aboard Inn, which is located in a mixed use zone, could rent more rooms as a guest house instead of a B&B. He believes that B&B special use permits should only be available as a special use in residential zones. He supported an increase in the maximum number of rooms to four.

Sally Nisler requested that the Commission consider allowing a different maximum number of rooms in different zoning districts. She supported a maximum of four rooms in a residential district, and she added that the special use permit process can be relied on to control impacts. She reported that the Rose St. B&B has hosted 342 guests this year, and she has received no complaints from neighbors. She pointed out that special use permits are not transferable, which provides another control.

Kathy Wilson supported raising the maximum number of rooms to four. She feels there is a difference in impacts when a B&B is in a residential rather than commercial zone. She expressed concern that raising the maximum number of rooms may prompt some B&Bs to believe that they have an entitlement for the maximum number of rooms.

Mr. Schaefer indicated that he still stands by the Commission's original recommendation because it was supported by evidence and sound reasoning. Ms. Kaminski suggested that her research indicates some jurisdictions tie the number of rooms to the size of the lot that the B&B is on.

Mr. Fabyanic expressed opposition to creating public policy based on individual needs, and commented that the point may be moot if there are no structures in the Historic Residential District that could accommodate five guest rooms.

Commission members and the public continued to discuss the matter, including the issues and opinions that (1) the impacts from residential use of a property may be larger and more negative than the impacts of a property operated B&B, (2) allowing B&Bs to operate with resident managers rather than resident owners pushes the facility toward a more commercial use, (3) limiting the maximum number of rooms to three may make B&Bs financially infeasible, (4) allowing more guest rooms may encourage property owners to build large additions to their residences that are not in character with the neighborhood. (5) residents that live in residentially zoned neighborhoods should not have to constantly fight with the government to maintain the residential nature of their areas, (6) residential zoning is intended to exclude commercial uses unless they are small enough to be very low impact, and (7) the term "residential" is not well defined.

Mr. Schaefer moved to continue this matter for additional discussion at the next meeting.
Ms. Skeen seconded and the motion was adopted by unanimous vote.

ADJOURNMENT

Ms. Kaminski adjourned the meeting at 10:28 p.m.

Sarah Kaminski, Chairman

Merinel Williams, Town Clerk