

Toledo City Hall
Council Chambers
March 12, 2008

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:04 pm by President Joyce Mackenroth. Commissioners present: Mary Young, Jimmie K. Cheney, Linda Brodeur, Leon Araiza, and Anne Learned-Ellis (arrived at 7:05). Excused was Paul Schneidecker.

Staff present: Community Development Coordinator (CDC) Rusty Klem and Secretary Arlene Inukai.

VISITORS: None

APPROVAL OF THE FEBRUARY 13, 2008, MINUTES:

It was moved and seconded (Brodeur/Young) to approve the February 13, 2008, minutes as circulated and reviewed by the Planning Commission. The **motion passed** with Araiza abstaining and noting the absence of Learned-Ellis and Schneidecker.

Commissioner Learned-Ellis entered the meeting at this time.

DISCUSSION ITEM: COMMERCIAL ZONE REVIEW:

President Mackenroth reported she has a stake in the outcome of this discussion. She disclosed she has Commercial Zone property on Business Highway 20. One lot is currently used as a residence (nonconforming use) and the second lot is vacant, which she would like to use as residential. In order to place a home on the vacant lot, a rezone is necessary. She would strongly urge a business/residential zone for properties along Business Highway 20.

Commissioner Young interjected that this topic is also important to her because she wants a more versatile Commercial Zone, especially when the Toledo Development Association (TDA) is trying to bring more business into town. Commissioners reviewed other residential homes in the Commercial Zone along Business Highway 20.

CDC Klem reviewed the staff memorandum included in Commissioner packets. He highlighted the last sentence that there is a limited amount of Commercial Zone land and the City does not want to lose the inventory. However, the zone can be expanded to allow more uses. LCDC may object to designating commercial lands for residential use because a certain percentage of commercial property must be retained in the City. It is expected that Business Highway 20 will continue to be the primary area for commercial activity. The memo asks for Commissioner thoughts on the Commercial Zone. Options presented by staff include: expand the current Commercial Zone, expand the boundaries of the Main Street District Overlay, revise the current nonconforming use language, or add single-family residence as a conditional use in the Commercial Zone. The nonconforming use section was set to be reviewed in the near future, but this topic deals with existing homes in the Commercial Zone. CDC Klem asked for input as to which route the Commission would like to choose to deal with the Commercial Zone. Staff can then prepare a draft for review and discussion.

Commissioner Young asked if expanding the conditional use list to allow single-family homes in the Commercial Zone would address the nonconforming problem. Homeowners are finding it hard to sell and if homes are only listed as "conditional", it may still be difficult to sell. She would like to see a new zone that allows commercial and residential use, rather than just "grandfathering" existing homes, because nonconforming uses can only be redeveloped as a conforming use. Commissioner Learned-Ellis asked what percentage of existing commercial lands are used as residential. CDC Klem would have to research the current use of the lands. Commissioners discussed existing homes in the Commercial Zone and ways to allow new residences in the Commercial Zone.

CDC Klem pointed out that Toledo's nonconforming use requirements are not as restrictive as some cities who do not allow nonconforming uses to be rebuilt if destroyed. The nonconforming use section can always be revised, but you hope to reach conformity when the lots are redeveloped. Commissioners reviewed types of uses along Business Highway 20 and the need to have large enough lots for commercial and industrial needs. Commissioner Young stressed the need to keep commercial lots, but she wants to see "user-friendly" zoning to allow various uses, especially residential. Commissioners discussed the problems with financing a nonconforming use, variance requirements, and language in the code. After lengthy discussion, Commissioners requested to amend the nonconforming language in Section 17.56.060 to state, "If a nonconforming structure or use is destroyed by any cause, the structure may be rebuilt with a Class B Variance to repair or rebuild a significantly damaged nonconforming use or structure."

Commissioners then reviewed the option to expand the boundary of the Main Street District Overlay or to create a new Business Highway 20 overlay district. Some of Highway 20 properties are of limited commercial value and may be better to remain a residence. Commissioners compared tax rates for commercial versus residential use. Commissioner Young stressed the desire to have dual-zoning for commercial/residential, which would also be a higher tax base versus just residential and provides more flexibility for new projects. Commissioners reviewed nonconforming uses having a 'grandfathered' status and continuing indefinitely. It was pointed out that there are currently ways to develop commercial lots for residential use—conditional use for multi-family or allowed outright if the property contains a commercial use. CDC Klem added that they have the option to rezone properties to better suit the use. Also, residential lands allow home occupations outright. He suggested adding single-family residence to the list of conditional uses in the Commercial Zone. This would not be an automatic approval, but it gives the Planning Commission an opportunity to review the request. Commissioners reviewed potential standards, such as limiting the square footage of the commercial property utilized for residential or limiting the size of the home.

Based on discussions, Commissioners asked to see the commercial lands inventory next month and to continue discussions to 1) extend the Main Street District Overlay, 2) add a conditional use for residential in the Commercial Zone, and 3) review the nonconforming use/variance language to allow a variance when a nonconforming use expansion is requested. CDC Klem reported he will provide changes to the nonconforming use section and bring it back to the Planning Commission for review. It is too early to schedule public hearings for the change. It was the general consensus of the Commission to expand the existing overlay zone rather than create a new overlay. Commissioners discussed how this would impact properties if the overlay

district is expanded. CDC Klem added that the overlay district would only include commercial properties. Commissioner Learned-Ellis reported that there will be a public hearing process and those affected would receive notice.

STAFF COMMENTS:

CDC Klem reported he recently researched and wrote a letter to Les Schwab-Toledo that they can build a 40'x80' shop in the floodplain. The shop does not have to be elevated, but can be flood-proofed and equipment needs to be elevated above the flood level. He then reviewed standards for floodproofing structures.

COMMISSIONER COMMENTS:

Commissioner Learned-Ellis request the 'public parking' signage at the fountain/park-and-ride facility be checked. It does not appear that there is any public parking designated at the site.

Commissioner Brodeur asked for an update from last month on the enforcement issues at the mechanic shop on Business Highway 20. CDC Klem sent a letter to the business owner advising of a deadline to show a parking plan. The deadline is next week. If there is no response to the problem, the Police Department will start enforcement action. Commissioners discussed other problem areas in town and the City's new policy for proactive code enforcement actions.

Commissioner Araiza reported it is good to be back on board. He will begin school in June for 5-6 months that may keep him away from more meetings. He reported a drainage problem occurring near his home, along Wagon Road, and is considering a catchbasin to connect to the stormdrain. CDC Klem suggested he meet with the Public Works Director or Public Works Superintendent to discuss the problems and review solutions.

President Mackenroth voiced appreciation with the Commercial zone discussion.

There being no further business before the Commission, the meeting was adjourned at 8:16 pm.

Secretary

President