CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – SEPTEMBER 15, 2020

The Richardson City Plan Commission met on September 15, 2020, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

MEMBERS PRESENT:	Randy Roland, Vice Chairman Ken Southard, Commissioner Stephen Springs, Commissioner Joe Costantino, Commissioner Gary Beach, Commissioner Michael Keller, Commissioner
MEMBERS ABSENT:	Ron Taylor, Chairman Gwen Walraven, Commissioner
CITY STAFF PRESENT:	Michael Spicer, Director – Development Services Sam Chavez, Assistant Director – Dev. Services – Planning Daniel Harper, Senior Planner Connie Ellwood, Executive Secretary

BRIEFING SESSION

The briefing session was cancelled.

REGULAR BUSINESS MEETING

1. **Approval of Minutes of the regular business meeting on September 1, 2020.**

   Motion: Commissioner Springs made a motion to approve the minutes as amended; second by Commissioner Costantino. Motion passed 6-0.

PUBLIC HEARING

2. **Zoning File 20-10 – NE Richardson Lofts:** Consider and act on a request for a major modification on 3 acres located at 910 Spring Valley Plaza, northwest corner of W. Spring Valley Road and Spring Valley Plaza in Area E of the West Spring Valley Corridor Planned Development District to allow for a 4-story, 186-unit urban style apartment development with structured parking. Property Owner: Daniel Drown, Huntington Drown, L.P. Staff: Daniel Harper.

Mr. Harper stated the request was for approval of a major modification for 3 acres located at 910 Spring Valley Plaza in Area E of the West Spring Valley Corridor Planned Development District to allow for a 4- Story, 186-unit urban style apartment development with 5 levels of structured parking. The subject site was currently developed with 73, two-story rental townhome units built in 1963.

The applicant requested major modification would allow a "mixed residential" building type for the subject site that would include 186 apartment units with a mixture of 1- and 2-bedroom units with the capability of three (3) ground floor units along West Spring Valley Road be converted into retail or office uses in the future.

The major modifications being requested were to allow for a Mixed Residential building type in Sub-District E; allow for a building height of 4-stories with a maximum height of 57'; to provide 62 amenity points for an apartment development in lieu of 70 points; to allow for on-street parking spaces to be counted towards the parking requirement; exclusion of a play area for the development; a reduction to the minimum apartment unit sizes from 750 square feet to 502 square feet for 1-bedroom units and the minimum unit size for a 2-bedroom units from 900 square foot to 625 square feet; a reduction to the required building setbacks for Spring Valley Plaza to seven (7) foot instead of fourteen (14) foot.

He continued by stating the property was in Sub-District E of the West Spring Valley PD. The allowed uses and building types were currently restricted to duplexes, patio homes and townhomes. The current housing types within the subdistrict included duplexes along Spring Valley Plaza and Plaza Lane as well as the Lafayette Square Apartments located along South Waterview Drive.

The proposed plan showed a total of 369 parking spaces with a parking ratio of 1.98 spaces per unit. Of the 369 parking spaces, 358 parking space would be garage spaces and an additional 11 spaces on-street parking along Spring Valley Plaza. The PD required only 335 parking spaces; however, the applicant requested the on-street parking count towards the overall total for additional parking.

The proposed building included two (2) open spaces located within the property that included a swimming pool/spa area and a landscaped courtyard. The applicant requested that they not provide the required play area. The applicant viewed the product being marketed towards small families with no children, therefore the request not to provide a playground area. The building would include a clubhouse with an indoor fitness center for residents.

The applicant also requested a reduced building setback of 7-feet in lieu of the required 14-foot setback from the property line on Spring Valley Plaza which was designated as a Residential Street type II in the West Spring Valley PD. Other required dimensions were being maintained by the applicant (5-foot bike zone and the 12-foot amenity zone and sidewalk).

Mr. Harper concluded his presentation stating the applicant would provide a presentation and made himself available for any questions from the Commission.

Vice Chairman Roland asked if any exceptions had been made regarding required parking for previous permits and if on-street parking were included in the parking totals.

Mr. Harper responded no.

Commissioner Springs asked if the parking counts assumed the worst-case scenario near the retail ready units within the development.

Mr. Harper stated the parking counts assume all residential uses.

Mr. Chavez responded that the uses would include more office or live/work situations as opposed to retail, based the unit's the location.

Commissioner Springs asked if improvements would be made beyond the curb on Spring Valley Plaza.

Mr. Chavez stated the applicant would start the upgrades at the existing center line of the roadway and apply the dimension controls throughout the west side of the center line. There would be an eleven (11) foot wide lane, a five (5) foot wide bike lane, then the parallel parking spaces. They will provide the eight (8) foot parking requiring new paving, then the twelve (12) foot amenity zone, and then the setback.

Commissioner Costantino asked for clarity on entrances/exits for retail versus residential spaces.

Mr. Harper provided a rendering that illustrated where the residential entrances were located and then confirmed that retail spaces would have front entrances/exits along W. Spring Valley.

Vice Chairman Roland asked for clarity on the parking requirements and the conditions surrounding the applicants request exceeding parking requirements along with the eleven (11) on street parking spaces. Commissioner Springs asked for clarity on this point as well later in the deliberations.

Mr. Harper stated during the initial discussions with the applicant it appeared they would not be able to meet the parking requirement, therefore, staff included it as a condition which has carried forward with the request.

Mr. Chavez further commented that the street cross section required the parallel parking spaces, therefore the on-street parking spaces would be there regardless of being counted towards the total.

With no questions for staff, Vice Chairman Roland opened the public hearing.

Public Comments

Mr. Marc Tolson, 2344 Highway 121, Suite 100, Bedford, Texas came forward to speak in favor of this application, provide a presentation for consideration then made himself available for questions.

Commissioner Beach commented regarding the lack of amenities for children. He provided an example of a similar development marketed towards young professionals and empty nesters that had well over one dozen (12) small children that played in the street because there were not amenities provided. He also had some concern for the square footage of the units that they might be too compact.

Mr. Tolson responded that there had been space allocated for a playground (corner of Spring Valley Plaza and Plaza Way); however, the property owner had concerns with monitoring the area, securing the play area. The property owner felt a play area did not fit the demographic for the property, however, would consider providing a play area. Regarding the unit sizes, he stated that with a goal of keeping overall rent down for residents, having enough units to be functional equated to one hundred eighty-six (186) units based on market studies.

Commissioner Springs asked with work trucks being allowed how would it be addressed.

Mr. Tolson stated that based on the price point for the units, the units were geared towards the demographic of a more established individual which were well received by surrounding neighbors.

Commissioner Keller stated his concern regarding the square footage of the units and wanted to know what types of studies had been completed. Further, he requested an example of something comparable with the types of square footage being proposed and its history of success. He also asked for more detail concerning the garage height

Mr. Tolson stated the PD had a variety of unit sizes, the smallest being a 500 square-foot unit which was considered an average starting point, all the way up to a 750 square-foot for a 1-bedroom unit. He stated the 2-bedroom units follow the same concept so there was a wide range of unit types to assist with keeping units economical for a variety of unit types. He then spoke to the inquiry concerning the garage height stating each floor had a ramp for each of the five (5) floors, with the upper level being below the parapet. The 5th floor would be a flat level that would be screened with no roof.

Commissioner Southard asked about the parking garage design and what the vehicle height allowance was. He specifically asked about transit vans and if they would be allowed to enter the parking garages.

Mr. Tolson responded it would be a typical secured parking garage height with an allowable height of approximately eleven (11) foot, with some mechanical overhang making the range somewhere between nine (9) foot and eleven (11) foot allowable height, preventing most large trucks or vehicles. It would be secured with an electronic bar across the entrance with a fob for access. He also confirmed that transit vans would fit. He further elaborated that approximately fifteen (15) parking spaces would be allocated on the first floor of the garage for visitor parking. Each resident would be provided resident parking.

The following individuals came forward to speak in favor of the application:

- Mr. Barry Hand, 710 Laguna, Richardson, Texas
- Andrew Laska, 502 Hyde Park

Mr. Tolson stated the applicant would be open to providing bike parking throughout the development as opposed to in one area.

With no further question from the public Vice Chairman Roland closed the public hearing and asked the Commission if they had any additional questions for staff or would like to move for a motion.

Both Commissioners Springs and Southard commented they would like to see a playground included as an amenity.

Commissioner Southard asked for clarity on the timeframe of the project for overall completion.

Mr. Tolson responded that with COVID, the timeframe was somewhat uncertain. The applicant chose to proceed with zoning changes, design, etc. They would also have consider vacating/relocating the current occupants therefore notifications (e.g. 3 months notice) would be required. In theory, we were thinking about one year from this day possibly sooner, then it would be approximately an eighteen (18) month process to completion.

Vice Chairman Roland asked what the applicant's experience was with relocating tenants as far as the process, what resources would be made available for assistance in order to make the transition as smooth as possible.

Mr. Tolson responded that the tenants would be provided with an official notice with the designated target date, however they could be provided an extension of time. It would be a case by case basis. Hypothetically it should take about six (6) months to vacate the property.

Commissioner Beach asked for clarity on stating a motion and if inclusion of the playground need to be a stated condition.

Vice Chairman Roland confirmed, yes.

With no further questions for staff, Vice Chairman Roland asked for a motion.

Motion: Commissioner Springs made a motion to recommend approval of Zoning File 20-10 – NE Richardson Lofts striking the proposed modifications concerning the parking ratio and the play area; second by Commissioner Southard. Motion Passed 6-0.

3. **Zoning File 20-15 – O'Reilly Auto Parts:** Consider and act on a request for a Special Permit for motor vehicle repair shop, minor for an approximate 6,850-square foot lease space at the northeast corner of an existing 63,404 square foot building on a 4.823-acre lot zoned C-M Commercial located west of S. Plano Road, on the south side of E. Belt Line Road. Property Owner: Amin Mawani, Duane Texas Property LLC. Staff: Daniel Harper.

Mr. Harper began his presentation stating the application was a request for a special permit for a motor vehicle parts and accessories sales facility which included the sale of batteries and other customer services. The subject property was zoned C-M Commercial and was located at 1306 E. Belt Line Road, south side of E. Belt Line Road, west of South Plano Road.

The applicant was requesting the special permit because O'Reilly's sale batteries in their stores as part of their merchandise catalog. Motor Vehicle Parts and Accessory Sales are allowed in the C-M Commercial District by right but the sale of car batteries was a use restricted by the Vehicle Repair shop -Minor as defined in the Comprehensive Zoning Ordinance which allows for the sale and installation of batteries as well as the performance of minor repair and service functions on motor vehicles. However, based on the defined uses and further review by staff, the intent of the applicant was more in line to the definition of Motor Vehicle Parts and Accessory Sales uses with the allowance of the sale of car batteries including the provision of complimentary customer services (Battery Testing, Alternator and Starter Testing, Check Engine Light Testing, Fluid and Battery Recycling, Wiper Blade and Bulb Installation). If approved, the special permit would be for a Motor Vehicle Parts and Accessory Sales including the sale of batteries and complimentary services.

The proposed suite location was at the northeast corner of a 63,433-square foot, single story building and would occupy a 6,846-square foot lease space. The subject site provided a total of 305 parking spaces, while 215 parking spaces were required.

The proposed elevations show the addition of 28-feet of windowed store front surrounded by a painted EIFS decorative portal with a mounted sign that would be facing north onto E. Beltline Road. An overhead door would also be added on the north wall to allow for deliveries of retail products and equipment directly into the stores behind the counter storage area. The western wall would feature a decorative painted area and a mounted sign facing East to North Plano Road.

Mr. Harper concluded his presentation stating staff had received thirteen (13) responses to this request indicating support for this request and made himself available for questions.

With no questions for staff, Vice Chairman Roland opened the public hearing.

Public Comments

Ms. Emily Lampert, Hingham, Massachusetts, Architect Phase Zero Design (attended meeting remotely) providing a presentation and speaking in favor of the application.

Commissioner Southard asked about the fluid and battery recycling and what measures would be put in place to mitigate spillage from oil, anti-freeze, etc.

Ms. Lampert responded that a one hundred thirty-eight (138) gallon recycling tank was housed interior in the rear of the building which was standard at all O'Reilly Auto Parts locations where all staff members would be trained on the recycling requirements and techniques for handling oil.

With no further questions of staff, Vice Chairman Roland opened the Public Hearing.

The following individuals came forward to speak in favor of the application:

- Ms. Carmen Herndon, 1500 Creekside Drive, Richardson, Texas

Vice Chairman asked the applicant if the 6,846 square-foot building was a typical size for an O'Reilly's location.

Ms. Lampert stated the standard size for an O'Reilly's Auto Parts store was approximately 7,000 square-foot so this location was slightly smaller than a standard location.

With no others wishing to speak in favor or opposition of this request, Vice Chairman Roland closed the public hearing and asked the Commission for further deliberation or a motion.

Motion: Commissioner Beach made a motion to recommend approval of Zoning File 20-15 – O'Reilly Auto Parts as presented; second by Commissioner Keller. Motion Passed 6-0.

4. **Zoning File 20-16 – 190 Central Retail Center: Consider** and act on a request to change the zoning on a 5.45-acre parcel located at 401 W. President George Bush Highway from PD Planned Development to PD Planned Development with modified allowed uses and parking standards. Property Owner: Robert Reed, 190 @ Central, LP. Staff: Sam Chavez.

Mr. Chavez began his presentation stating the request was to amend the existing Planned Development District (PD) for the subject site. The property was located on the south side of W. President George Bush Tollway between Custer Parkway and Alma Road. The subject site was developed in 2006 and consist of one (1) 5.455-acre lot, comprised of a 41,930-square foot, single story retail/commercial building. The site provided 250 parking spaces. No additional construction was being proposed with the subject request.

The applicant was requesting to amend the current zoning for the subject site to uses allowed in the LR-M(2) and LR-M(1) Local Retail Districts, to eliminate specific uses currently permitted within the current zoning on the property and to amend the off-street parking standard for the existing development.

Mr. Chavez stated the subject site provided 250 parking spaces, exceeding the number of required parking spaces for the site by 60 spaces. The site was currently occupied at 100%; however, to allow for leasing flexibility in the future and to avoid the need for future parking variances, the applicant was requesting the number of required parking spaces for the site, regardless of the tenant mix, be set at 250 parking spaces.

Based on the character of the existing Center, the proposed additional uses were complimentary to the existing uses and allowed uses in the Center. Establishing the maximum number of parking spaces at 250 spaces also appeared to be appropriate. Similar requests had been considered by the City Plan Commission and City Council where it could be demonstrated that enough parking was provided to accommodate current and future parking demands. The subject site met the criteria. He concluded his presentation stating that there was no correspondence received in favor or in opposition of the request and made himself available for questions.

Commissioner Springs asked for clarity on the number of parking spaces and why the applicant was requesting that number become permanent.

Mr. Chavez responded there were 250 parking spaces. He then stated that due to the setbacks required in the PD for the subject property and the configuration of the lot, there was no available land to construct additional parking on the property.

Vice Chairman Roland asked for an example of the type of business that might drive the parking ratio higher.

Mr. Chavez responded that a restaurant could drive up the parking. The building was currently occupied with fifteen (15) percent of the square footage by restaurants.

Commissioner Beach asked for clarity regarding the permanent parking and if the use changed in the future, would the applicant be required to come before the Commission?

Mr. Chavez responded yes, if the use required a change in zoning or a Special Permit for the use.

With no one coming forward to speak in favor or opposition of this request, Vice Chairman Roland closed the public hearing and asked the Commission for deliberation or a motion.

Motion: Commissioner Costantino made a motion to recommend approval of Zoning File 20-16. Central Retail Center; second by Commissioner Beach. Motion Passed 6-0.

5. **Zoning File 20-12 – Main Street/Central Expressway Code Amendments:** Consider and act on a request to amend regulations related to legal, nonconforming uses for properties formerly zoned I-M (1) Industrial that are now located within the Railside, Creative Corporate, and Centennial Green sub-districts of the Main Street/Central Expressway Form Based Code Planned Development zoning district. *Applicant: City of Richardson. Staff: Michael Spicer.*

Mr. Spicer began his presentation stating this was a City-initiated amendment to the Main Street/Central Expressway Form Based Code Planned Development to consider relaxing restrictions on non-conforming uses within three (3) subdistricts, i.e., Centennial Green, Creative Corporate and Railside.

As proposed and as advertised such amendment would only apply to properties formerly zoned light industrial at the time the code was adopted in 2016.

Mr. Spicer stated he would be providing a brief recap of the Main St./Central Expwy. Code adoption; a review of what legal nonconforming uses were and the restrictions that currently apply to them; a brief description of what prompted staff to move this proposal forward to begin with; examples of components that could comprise a possible amendment based on the commissions deliberations and lastly possible actions for consideration.

The Main Street/Central Expressway Form Based Code, in its current form comprising eight (8) subdistricts, was approved in November 2016 with Ordinance No. 4191.

The Code represents the first critical step in implementation of a vision for Main St./Central Expwy. Corridor. The vision originally included eleven (11) prospective subdistricts flanking both sides of US-75 extending from Arapaho Road south to the city limits of Dallas. Two (2) of six (6) Enhancement/Redevelopment Areas identified in the 2009 Comprehensive Plan were addressed and captured through the visioning process to include Old Town and Central Expressway Corridor.

In 2015 properties comprising four (4) of the subdistricts were rezoned consistent with the vision which included the Central Place, Chinatown, Interurban & Main Street subdistricts.

In 2016 properties comprising four (4) additional subdistricts, i.e., Centennial Green, Creative Corporate, Gateway Commercial and Railside, were rezoned consistent with the vision. Some minor refinements were also approved for the original four subdistricts such fences, dumpsters and similar type minor considerations.

Three (3) of the four (4) subdistricts that would be the focus of discussion include Centennial Green, Creative Corporate and Railside subdistricts.

Existing nonconforming uses in these subdistricts came to be in two (2) ways.

All conforming uses existing at the time, but with the adoption of the Main Street/Central Expressway (MS/CE) Code, were no longer allowed which included manufacturing, warehousing, trades & contractor services.

Pre-existing legal, nonconforming uses operating prior to the adoption of the current code that include motor vehicle-related uses, smoking establishments, massage establishments, and credit access business which are primarily uses for which approval of a Special Permit was required and would not be affected by the proposed amendment being considered.

Existing restrictions on nonconforming uses included the following: they cannot expand beyond existing tenant space or building which they were currently located; they cannot make changes to the building or the exterior site to accommodate continuing operation of nonconforming uses (e.g., cannot install new overhead doors or add more loading docks); they cannot change from one nonconforming to another nonconforming use. Once changed to a conforming use, it cannot be changed back to a nonconforming use and should any space or building occupied by a nonconforming use cease operation for a minimum of six (6) months, the nonconforming use is forfeited.

Since adoption of the Code in November 2016, several inquiries had been received from stakeholders (i.e., property owners, business owners, property managers) that prompted staff to conduct a more critical review of nonconforming use restrictions that were in the Code, especially as they relate to multi-tenant industrial and flex-space buildings.

When working through issues with stakeholders, staff provided assistance with reviewing site plans, request a history of certificates of occupancy, request copies of leases to confirm type, extent, and termination of nonconforming uses so stakeholders could continue to operate in the buildings they were located in. Utility accounts and other means could also be used to determine when the space might have been vacated and whether the tenant forfeited their non-nonconforming right.

Staff went through extensive review with several properties and stakeholders since the Code was adopted in 2016. Eventually, multiple stakeholders began to explore the option of filing individual requests for zoning amendments to seek modification of existing restrictions on nonconforming uses for their respective properties. City staff determined it might be preferable to attempt to address the issue in a more comprehensive way as a single, potential zoning amendment instead of processing a series of
individual requests on a lot-by-lot basis.

The proposed amendment was discussed during the August 18, 2020 City Planning Commission briefing session as directed by City Council, for considering what such an amendment might entail once the CPC concludes public hearing and deliberations.

Mr. Spicer then shared some considerations for amending the code:

– There was an existing inventory of commercial and industrial buildings not easily adaptable to residential, office or retail uses that were in areas generally less likely to see significant reinvestment and redevelopment in the foreseeable future with exception of properties in closest proximity to the Spring Valley DART Station.
– Areas where reinvestment/redevelopment was a longer-term proposition, allowing some interim expansion of nonconforming uses might be appropriate.
– Not all nonconforming uses had negative impacts on adjacent properties or the larger community, so it was justifiable to treat relatively benign nonconforming uses differently than those more likely to have detrimental effects on the neighboring properties.
– Allowing some controlled continuation or expansion of nonconforming uses may be preferable to the prospect of empty buildings and disinvestment, and could serve property owners (especially those carrying debt) as a bridging strategy until such time that market forces induce removal and replacement of nonconforming uses

He also shared reasons to consider not to take any action or not relaxing restrictions on nonconforming uses:

– As referenced in the Code, nonconforming uses are declared to be "incompatible with the Subdistrict in which they are located."
– Relaxing restrictions established through an extensive public input process was contrary to the community-endorsed vision and potentially calls into question the City's commitment to the Plan.
– Potentially extending the lifespan of existing nonconforming uses and providing opportunities for additional nonconforming uses also served to further defer achievement or realization of the vision.

The amendment components had been shaped geographically to address uses exclusively. It does not apply to physical structures or other site elements (parking areas, signage, any other types of structures).

Areas being considered would be restricted geographically to only those properties located within the Centennial Green, Creative Corporate, and Railside subdistricts that were formerly zoned I-M (1) Industrial. He elaborated further stating one of the parameters was the geographical area could not be expanded.

Possible amending components include applying only to buildings housing legal nonconforming uses existing at the time of Code amendment's adoption (the new amendment).

Only those buildings housing legal nonconforming uses would be eligible to benefit from the amendment. Allow expansion of certain legal, non-conforming uses within existing building footprint (not restricted to individual tenant space) and prohibit changes to exterior building or site improvements (i.e., adding docks, or dock doors, reconfiguring loading areas, adding mechanical equipment). Allow certain uses formerly permitted to occupy space within any building currently housing at least one nonconforming use. A building that currently does not have a legal nonconforming use would not be permitted to subsequently accommodate one.

- Types of uses that would benefit include: Light manufacturing, fabrication and assembly, High-tech manufacturing, Warehousing, Trades & contractor services with no outdoor storage
- The 6-month abandonment rule was suggested originally and presented to council. The 6-month abandonment rule would remain in effect on a per building basis and not an individual lease space basis

Legal, nonconforming uses that could continue operating under the proposed amendment include:

- Uses that currently require approval of a Special Permit (e.g., smoking establishment, credit access business, massage)
- Motor vehicle-related uses (e.g., body shops, repair shops, sales & rental)
- Self-service warehouse
- Outdoor storage of any type (e.g. contractor yards, commercial vehicle fleets)

Mr. Spicer concluded his presentation by providing examples of potential motions that could be considered by the Commission along with a detailed explanation for each potential amendment scenario. He then made himself available for questions.

Vice Chairman Roland asked what prompted this endeavor.

Mr. Spicer stated this request was a product of not only City Council and the City Planning Commission, but it was born out of a community-based process spanning many months, with multiple workshops and engaged a large contingent of the community as well as the stakeholders in the areas. He continued stating it was staffs attempt to assist challenges that many property owners were experiencing with keeping tenants in their buildings. Instead of individual zoning applications being filed (which is an acceptable method), package zoning to address it comprehensively as opposed to a case by case basis. This was packaged in a way that it would serve the stakeholders, and also preserve the vision.

Commissioner Springs asked if the geography of the proposed area was considered by City Council or was it sent to the Commission before the geographic boundaries were established.

Mr. Spicer stated it was primarily for those properties zoned Industrial that would benefit. Properties that were zoned C-M Commercial, T-O Technical Office had a broader range of uses allowed under the current code.

Commissioner Southard asked for occupancy rate estimates for property formerly zoned industrial and how severe of a problem was taking place.

With no further questions of staff, the following individuals spoke in favor of the application:

- Mr. Bill Dahlstrom, 2323 Ross Avenue, Dallas, Texas
- Mr. David Vickers, 3201 Gary Drive, Plano, Texas
- Roy Greenburg, 5604 Stone Cliff Courts, Dallas, Texas
- Mr. Brian Lowry, 1615 Renchita Drive, Dallas, Texas

Commissioner Beach asked Mr. Vickers what the economic life expectancy was for one of these properties.

Mr. Vickers responded the structures were small customer spaces requiring minimal maintenance and could potentially have no end to 'life' expectancy. What could be done in the interim would be to reinvest in the property (e.g. updating the street frontage).

Commissioner Costantino asked if the intent for the amendment was to be a temporary change in the Code.

Mr. Spicer responded it would remain in effect in perpetuity or at such a time that a new zoning process was initiated to amend or undo whatever amendment might be approved through this current process. This would be characterized as a permanent change.

With no further comments in favor or opposition from the public, Vice Chairman Roland closed the public hearing and asked for deliberation from the commission.

Commissioner Spring stated that he understood the goal surrounding using the I-M zoning to reduce the conversations that would come before the Commission. He commented that it would have been beneficial for the Commission members to have a side by side analysis of the subject area next to the zoning map illustrating the districts. He also asked about the stakeholder feedback and if it was from those stakeholders.

Mr. Spicer responded there was a lot of commonality among the building typology, which was largely the flex buildings, concrete tilt wall construction that generated these issues which were largely built for office warehouse that do not all share the same uses. He continued stating the zoning was by property not by ownership.

Commissioner Springs responded he liked the strategy that has been deployed but has concerns about making a permanent change for the subject area.

Commission Costantino also shared concerns about making a permanent change for the subject area. He felt that there should be a timeline established to incentivize the property owners.

Vice Chairman Roland asked for clarity on the anticipated number of zoning cases that could come before the Commission in the future.

Mr. Spicer stated discussions had been taking place since the adoption of the Code. Some stakeholders have since left, but the representation within the chamber this evening should illustrate the interest in pursuing some amendment changes. Part of the initiative was to try to find a solution that made sense for the stakeholders within the three (3) sub-districts that would preclude the necessity of the detailed analysis on each individual case. The subject area being considered was roughly one-third of the sub district areas that were zoned Industrial.

Commissioner Beach asked if there were any occupancy rates for the subject areas that illustrated the effect of the change since 2016 versus current.

Mr. Spicer stated staff did not have that type of data. The data could be obtained; however, it would be largely reliant upon the property owners to assist the City in that regard. Research could be done on certificates of occupancy and some of the efforts put forward to assist the property owners since the adoption of the code for property owners.

He commented that should the Commission want more research; a continuance would certainly be in order.

Commissioner Southard asked if a motion to recommend approval was made; would it preclude any option for the property owner.

Mr. Spicer responded this case would not preclude further or future actions by property owners to come back and seek relief of some form. Every property owner had the right to come to the City to request a change to their zoning.

When staff presented to City Council back in July, the goal was to try an approach that made sense by focusing on benign land uses, not allowing expansion outside of 4-walls or allowing for different types of non-conforming uses to occupy those buildings. The idea was how do we offer some relief without damaging achievement of the vision long-term and without detrimentally impacting the surrounding properties that might otherwise be impacted. This was building dynamics in terms of tenancy. All internal - no physical change to buildings or site elements of any sort.

Commissioner Costantino requested a list of options from staff on possible motions that could be put forth to recommend an amendment.

Vice Charmain Roland asked for additional information to assist in crafting a motion to include:

- A list of options to encourage amendment configuration to encourage discussion/recommendation
- Side by side comparison of past zoning versus subject areas being discussed

With no further questions for staff, Vice Chairman Roland asked for a motion.

Motion: Commissioner Costantino made a motion to continue Zoning File 20-12 Main Street/Central Expressway Code to October 8, 2020; second by Commissioner Beach. Motion Passed 6-0.

Adjourn

With no further business before the Commission, Vice Chairman Roland adjourned the regular business meeting at 10:10 p.m.

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Randy Roland, Vice Chairman