

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**March 5, 2020**

**Case 62-2020**

**A request by A Civil Group (agent), on behalf of Adam and Heather Plues (owners), for a PD (Planned Development) Plan major amendment to revise the Development Plan and Statement of Intent for the Taylor House PD Development Plan at 716 W. Broadway. The plan revision includes an 800 square foot addition to the front of the existing carriage house, internal sidewalks, and a pickleball/basketball court. The approximate 0.7-acre property is zoned PD (Planned Development) and HP-O (Historic Preservation-Overlay).**

Ms. LOE: May we have staff report please.

MS. BACON: Yes, Madam Chair.

MR. ZENNER: You'll hear this evening as part of the staff report that there are a series of design exceptions that are associated with this request. The design exception is different from the design adjustment in that design exceptions are dealing with zoning-related matters embedded within a planned zone district. Design exceptions do not require a two-vote process because they are being considered as a part of a planned zone. Therefore, when Ms. Bacon completes her staff report and we have completed the public hearing, we will only need a single vote of the Commission to approve the modification to the Taylor House plan at this point. Not a design adjustment, a second vote on those design exceptions because they are, again, rolled into the zoning land use entitlements. That is how the code is structured. In a planned district, you can ask for modification to the zoning standards, whereas when you're dealing with a planned district that's asking for a modification to the platting requirements as we had in our prior case, the platting requirements are what drive the necessity for the design adjustment. Here we don't have any platting; therefore, you don't have a design adjustment. With that being said, I'll turn the floor back over to Ms. Bacon and she can give you the staff report.

MS. BACON: Thank you, Mr. Zenner. So this is 716 West Broadway. In 1999 the property was rezoned to HP Overlay as well PUD-3, now PD or planned development. The HP Overly designations designated the main house, which is the John and Elizabeth Taylor House, as a local landmark. Furthermore that zoning also specifies which aspects of the home, both on the exterior and the interior were subject to that landmark status. Tonight's request for revision does not require what we would call a certificate of appropriateness because no modifications to the historic structure are being requested at this time. However, the request does require a major amendment to the plan itself and then associated statement of intent revision to match the PD plan as revised. The area is about seven-tenths of an acre. We had a public information meeting on February the 11th. We also put an advertisement in the Tribune on February the 18th. I sent 22 postcards for the public information meeting and sent 22 property owner letters to let them know of tonight's public hearing. So to orient ourselves to the site, this is a section of Broadway which generally does have pretty good sidewalk connectivity versus other parts of

Broadway. We've got the Christian Science Church here is the near neighbor on the west. And then the rear of the property with the drive has the ability to access off of Lindell Drive as well. And so the primary improvements that we're talking about this evening will mostly be in this area of the property and then an extension to the carriage house kind of in this area of the property. There's also a pergola right here presently. So looking south from Broadway, you can see the existing five-car carriage house. This is not a historic carriage house, but it was designed with the intent to match the historic structure here. Looking west, you can see that the carriage house serves as both a garage and then it does have an existing one-bedroom apartment above it. So the 800 square foot addition would be both to the garage and the apartment, but primarily it's to provide additional living space for the Plues' parents to live in. The original SOI did approve this as a living space for the Tucker's family members and so that use is continuing. There is not a change in the SOI regarding the density or the proposed uses on the site. And this existing apartment was never allowed to be rented out individually and it still is not allowed to be rented out individually. The same goes for there's a bit of an apartment in the main structure for the purveyors of the bed and breakfast. That was original SOI from 1999 that is not being proposed to be changed with this revision this evening. And as noted in the staff report, there's only one electric and water meter to the property to reflect that it can be used either as a single family home or a bed and breakfast with operators living in the apartment and then family also living in the apartment above the carriage house. Looking north from Lindell, presently this is a gravel drive. This area will be paved over with the pickleball, slash, basketball court right here. You can see the existing kind of arbor and landscaping sort of off into -- up there. Here it is up here. You can see there's quite a bit of landscaping screen on the property, but not everything that's on the approved 1999 landscape plan is presently in place. And so we're seeing some updates and modification to reflect the current conditions of the property. You know, over time it is typical that property owners may replant some things as things die or change over time. And additionally kind of in this area, there was a pond that was taken out due to some safety concerns thereof. So looking at the revised PD plan here on the left and the landscaping plan on the right, the darker gray areas are areas that are new, so we see that there's an existing paver patio here and then generally to the same extent we'll have a new poured patio. This is an internal walkway system to connect the pickleball, slash, basketball court here to these other amenities. And then right here is the extension of the carriage house, the apartment of about 800 square feet. The pickleball court is about 1,800 square feet in addition and then this would be a new shed right here on the property. This is an existing pergola type of structure. Then you can see the main house as well through there. Okay. So the -- as Mr. Zenner mentioned, the property or the PD plan is requesting three design exceptions to the zoning code, what would otherwise typically be permitted for an R1 or an R2 or R3 property. So the existing SOI already permitted a couple of exceptions. We generally had site-specific setbacks to allow for some of the site features to otherwise encroach on what would be the rear and western side setbacks. Additionally the historic home is 37 feet, which is two feet taller than what would be permitted in a residential zone. So there are already some exceptions on the approved PD plan from 1999. With this plan we see three that are also triggered when, you know, analyzing what they're asking for for the PD versus what would otherwise be permitted. The first is an exception from 29-4.4. Typically we would require a level two buffer which would be a four-foot landscape buffer and a six-foot tall screening fence on the rear of the property. So that would be buffering the home from 116 Lindell Drive right here. Here though I do want to note that there is a six-foot wood privacy fence on the Beckings' property already which is probably

...serving somewhat of a buffer purpose. And then additionally there is an existing landscape bed through here that the applicant is proposing to use in lieu of a formal level two buffer. Section 29-3.3(ii) which is the Use-Specific Standard for customary accessory uses and structures only permits such customary accessory uses in buildings to equal the first floor of the primary home. So in this instance the primary home is about 2,300 square feet on the first floor. The plan revision this evening has 1,600 square feet, so 1,800 square feet and 800 just between the pickleball court and the addition to the garage. So there we've already got 2,400 square feet which is already, with just the new addition, exceeding this requirement, not even taking into account the existing pergola, the patio paver, and then also there's a proposed shed on the site. So overall this site is highly amenitized. There's a lot of things that we don't typically see in a residential area so that is, I think, why we're seeing the gross square footage of all of these accessory structures are really exceeding that section of the code. And then the third exception is that those site-specific setbacks to accommodate the existing and proposed amenities. There is some encroachment on what otherwise would be allowed to the rear or western side. So in looking at all of these factors, we do have a letter of support from the Beckings at 1116 Lindell, that property I just pointed out, in support of the plan as presented, and those are the property owners that are probably the most impacted by the present condition of the property and then any proposed revisions. Additionally, as I said, they have a six-foot tall wooden fence on their property already providing some screening and buffering between the properties. The permitted use on the site is either a bed and breakfast or a single-family home or sort of a combination thereof and that really makes sense as to why the property is so highly amenitized. You've got a multi-generational family situation and then if there are being used as guest quarters as well, there's lots of folks who are able to use things like a pickleball/basketball court, pergola, patio, et cetera. Additionally this is a fairly large lot, seven-tenths of an acre and with all of these improvements greatly exceed what we normally see on a lot, they're still able to retain 60 percent of the property in landscaping. Finally, the accessory features are generally to the rear of the primary structure or the carriage house. And other neighbor within the area, from the neighborhood meetings, the public information meeting, and phone calls that I received have generally been in support of the plan as presented with no concerns noted. As Mr. Zenner said, PD zoning allows a site-specific modification from the standard regulatory provisions. In this case the request does seem to be tailored to the site. There are unique uses and situations going on and it generally fits the neighborhood context. So this evening we are recommending that you make one vote to approve the Taylor House PD and landscaping planned revisions with the associated revised statement of intent.

MS. LOE: Thank you, Ms. Bacon. Before we go to commissioner questions for staff, I'd like to ask any commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all commissioners have the same information to consider on behalf of the case in front of us. Seeing none, are there any questions for staff. Ms. Rushing.

MS. RUSHING: A couple of questions for clarification.

MS. BACON: Uh-huh.

MS. RUSHING: The additions to the carriage house.

MS. BACON: Uh-huh.

MS. RUSHING: My understanding is just the addition is 800 square feet?

MS. BACON: Correct.

MS. RUSHING: And is that one floor or two floors?

MS. BACON: It's two stories.

MS. RUSHING: Okay. And the pickleball court is not going to extend south past the fence, the neighbor's fence?

MS. BACON: Yeah. So the neighbor's fence goes here. So it's screening the pickleball fence there and then also the amenities to the north. So it kind of wraps around. I might have a better picture.

MS. RUSHING: And are there any plans to light the pickleball court?

MS. BACON: None that I am aware of.

MS. RUSHING: Okay. And will the carriage house, once it is enlarged, meet the City's requirements for accessory dwelling units as far as setbacks and?

MS. BACON: Well, so the SOI does not permit that. They'd have to have a planned revision to have it as a dwelling unit that could be used other than for family members. So they couldn't rent it if that makes -- I did not run it through the use-specific standards for an accessory dwelling unit. That's something that we could look at it.

MS. RUSHING: Okay.

MS. LOE: Any additional questions for staff? Seeing none, we will open up the floor to public comments. Please give your name and address for the record.

MR. GEBHARDT: Good evening. My name's Jay Gebhardt. I'm a civil engineer with A Civil Group and I'm here representing Adam Plues tonight who's the owner, him and his wife own this property.

MS. LOE: Mr. Gebhardt, may we get your address as well.

MR. GEBHARDT: Oh, sorry. 3401 Broadway Business Park Court, Suite 105.

MS. LOE: Thank you.

MR. GEBHARDT: I also just want to tell you that in January, we held a neighborhood meeting at Adam's home. And we had several neighbors -- it was pretty cold and snowy, but we had several neighbors show up. And throughout this process I've tried to keep them completely informed what's going on. And I feel like we've had a really good response from the neighbors on this. I think some of the neighbors are here tonight and will speak. And also Adam is here tonight to answer any questions about like lighting of the pickleball court. I don't believe he has plans on that, but he can that answer that for you, Ms. Rushing. But if you all have any technical questions about the plan or anything like that, I'd be happy to answer them.

MS. LOE: Ms. Rushing.

MS. RUSHING: I just have a basic concern in your client's reliance on the neighbor's fence to meet their obligation with regard to a buffer.

MR. GEBHARDT: I understand. And --

MS. RUSHING: Because if someone were to buy the property to the south and that fence were to deteriorate, there's no obligation at that point for your client to create a buffer. Is that correct?

MR. GEBHARDT: The fence does belong to the Beckings. It's not my client's fence.

MS. RUSHING: That's my point.

MR. GEBHARDT: Right. The only thing I would say to that is it's a known condition. If the Beckings, who do support this, sell their home, the people that buy it, the pickleball court won't be a surprise; it'll be there

and they'll know it. They have a choice of whether to buy the property or not based on the existing condition. That's -- I'll let Adam address that more.

MS. RUSHING: And you said you would talk about whether it would be -- there will be lighting on that pickleball court?

MR. GEBHARDT: I'll have Adam address that because -- I don't believe there is, but I'll let him.

MS. LOE: Any additional questions for Mr. Gebhardt?

MR. GEBHARDT: Thank you.

MS. LOE: I see none. Thank you, Mr. Gebhardt.

MR. PLUES: Good evening, Commission. My name is Adam Plues. I live at 716 West Broadway. I will - Ms. Rushing, I -- the lighting, no, we will not be having any lighting in the house. Now, I think about these things all the time. I don't want to make anyone angry in that neighborhood. I'm actually very good friends with everyone in that neighborhood and so it's very important to me. And also people actually moving in, I thought about that, if the Beckings leave and they come and all of a sudden there's a pickleball court next to them and they don't want to be looking at a pickleball court, I'm going to be more than happy to build something. I could either put bushes up there or trees or whatever it may be to block that if that's the case. I hope that never comes to that. But as far as I know now, the Beckings are okay with everything. And I am using hopefully the best types of materials to make this thing look as nice as it possibly can, to answer your question.

MS. LOE: Any additional questions for Mr. Plues? I see none. Thank you.

MR. PLUES: Thank you very much.

MR. WILSON: Hello, Commission. I'm Louis Wilson; I live at 404 West Broadway which is about two and a half blocks east of the location. I serve as communications director for the Historic West Broadway Neighborhood Association. I'm probably in contact with maybe 55 to 60 households, mostly single-family households that are in the two historic districts on West Broadway. This house, the Taylor House, is in its own historic district and then there is the West Broadway Historic District. I've been emailing them everything that Jay Gebhardt has produced and all that City Staff's produced, I email that to all the residents. They've had a chance to look at it, and other than a few inquiries -- people rely on me, trust me for my judgement and they may be making a mistake doing that, I heard no negative inquiries about this. And people are generally supportive of this project and so am I and I recommend you support this project. Thank you.

MS. LOE: Thank you, Mr. Wilson. Are there any questions for this speaker? I see none. Thank you. Any additional speakers?

MR. CAVANAUGH: Good evening. My name is Matt Cavanaugh. I live at 403 West Broadway. I am the chairman of the Historic Broadway Neighborhood Association. I actually owned that house in 1998, so I -- I know the parcel in the back of the house you're referring to was sold off; that was an original parcel of that house. But I started the rehab on it. I sold it to Rob Tucker. Out of all the houses on Broadway, that is probably the single nicest house on Broadway without exception. It is an incredibly beautiful house. And I don't think that anything that Adam is intending to do would do anything to detract from the neighborhood or from the integrity of the structure or the historical nature of the house. I have not heard anything negative in regards to his plan from any of my neighbors, and I know most of them. And I would highly recommend that you support his plan. It's an incredible asset to the value of Broadway as a historical neighborhood. Thank you.

MS. LOE: Thank you, Mr. Cavanaugh. Any questions for this speaker? I see none. Thank you. Any additional speakers?

MR. JENSEN: Good evening. My name is Curtis Jensen. I live at 119 Lindell Drive; that's directly across from the street from the Beckings' house. I'm here tonight in support of Adam. And I can personally say that when he says he's going to use the highest level of materials and design, there's no doubt in the integrity of his character that that's what he's going to do. And I have not heard, again, any neighbors with any negative comments. Everybody's very support and excited about it.

MS. LOE: Thank you, Mr. Jensen. Any questions? I see none. Thank you. Any additional speakers? Seeing none we will close the public hearing on this case. Commission discussion. Ms. Carroll.

MS. CARROLL: I'd only like to say that recommendation of neighborhood groups carries a lot of weight with me. And if the neighborhood groups support it, then I would likely do the same.

MR. TOOHEY: I'll go ahead and make a motion.

MS. LOE: Mr. Toohey.

MR. TOOHEY: In Case No. 62-2020, a request by A Civil Group on behalf of Adam and Heather Plues for a PD plan major amendment to revise the development plan and statement of intent for the Taylor House, PD development plan as 176 -- or 716 West Broadway.

MR. STRODTMAN: Second.

MS. LOE: Second by Mr. Strodman. We have a motion on the floor. Any discussion on that motion? Seeing none, Ms. Burns, may we have roll call please.

MS. BURNS: Yes. My vote is yes. Ms. Carroll?

MS. CARROLL: My vote is yes.

MS. BURNS: Ms. Loe.

MS. LOE: Yes.

MS. BURNS: Mr. MacMann.

MR. MACMANN: Yes.

MS. BURNS: Mr. Stanton.

MR. STANTON: Yes.

MS. BURNS: Mr. Strodman.

MR. STRODTMAN: Yes.

MS. BURNS: Ms. Rushing.

MS. RUSHING: Yes.

MS. BURNS: Ms. Russell.

MS. RUSSELL: Yes.

MS. BURNS: Mr. Toohey.

MR. TOOHEY: Yes.

MS. BURNS: Nine to zero. Motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council.

MS. LOE: This brings us to our third case for the evening, Case 31-2019.