

CITY OF FREMONT
MINUTES OF THE REGULAR FREMONT PLANNING COMMISSION MEETING

Tuesday, October 27, 2009
Fremont City Hall

Call to Order: A regular meeting of the Fremont Planning Commission was held in the Council Chambers at the Fremont City Hall on Tuesday, October 27, 2009. The meeting was called to order at 4:02 p.m. by Planning Commission Chair Don Henry.

Fremont Planning Commission Members Present: Chair Don Henry and Commissioners Jack Butterick, Dennis Caplis, Jane Drake, Marcia Eib, Jim Krouse, Peg May, Jim Sloan and Lon Vredevelde

City Officials Present: Michele Ribant, Fremont Zoning Administrator

Review and Approval of the Meeting Agenda

A motion was made by Marcia Eib, seconded by Peg May and carried to approve the agenda as presented for the October 27, 2009 meeting.

Approval of the Fremont Planning Commission Minutes

A motion was made by Jim Sloan, seconded by Jack Butterick and carried to approve the minutes from the September 22, 2009 regular Fremont Planning Commission meeting.

Public Comment

There was no public comment.

Public Hearing on Regulations in the Current Fremont Zoning Ordinance

Chair Henry opened the public hearing at 4:05 p.m. Jim Maike, a resident who resides at 40 W. Elm Street, expressed a concern with the regulation in the current Fremont Zoning Ordinance that would require a resident who has a nonconforming structure on his property to rebuild to the new ordinance's regulations if the structure was damaged over 75%. He indicated that the banks do not want to finance residential dwellings that are nonconforming because of this requirement.

Jackie Hite, a resident at 109 N. Division, indicated that she too was concerned about the impact of this regulation. She said she recently bought her home on land contract, and she wants to get a conventional loan for her property, but she feels the regulation inhibits her ability to do so. She also indicated that she wants to build a garage and wondered if she would have an issue with doing that.

Chair Henry indicated that there is language that is being proposed that would address the situation regarding if the nonconforming structure was destroyed; he said that the new language would allow a property owner to rebuild the structure to the old footprint in the case where the structure was damaged over 75% if the owner rebuilt within twelve (12) months.

A motion was made by Jane Drake, seconded by Dennis Caplis and carried to recommend to the Fremont City Council that Section 6.11 C 3 "Nonconforming Buildings or Structures" be amended as follows:

- a. Should a nonconforming building or structure be destroyed to an extent of more than seventy five percent (75%) of its replacement value, exclusive of the foundation, it may be restored as it existed at the time of the destruction, provided that restoration is commenced within twelve (12) months from the time the destruction occurred and is completed within one (1) year from the date that the restoration commenced. If reconstruction does not occur within the stated timeframe, it shall only be reconstructed in conformance with the provisions of this Ordinance.
- b. Should a nonconforming building or structure be destroyed to an amount equal to or less than seventy five percent (75%) of its replacement value, exclusive of the foundation, it may be reconstructed in its previously nonconforming location.
- c. Should a nonconforming building or structure be moved for any reason and for any distance, it shall be moved to a location that complies with the requirements of this Ordinance.

Chair Henry then directed the Commission to the next proposed amendment that addressed the issue of sidewalk signs in the downtown for special events.

A motion was made by Lon Vredevelde, seconded by Marcia Eib and carried to recommend to the Fremont City Council that Section 4.05 “Downtown Main District ” under the “Sidewalk Sign” section be amended, in part, to read as follows:

Sidewalk signs shall be limited to locations within ten (10) feet of the primary entrance to the use with which they are associated unless the sidewalk sign is for a special event that is taking place downtown. If the sidewalk sign is to advertise a special event taking place downtown, the sidewalk sign may be permitted if it satisfies all the other pertinent regulations and if the sign is placed in a location downtown that is approved by the Fremont Zoning Administrator via a special event permit. The sign shall be no less than two (2) feet from a curb. No sidewalk sign shall be placed in a manner that reduces the traveled width of a required sidewalk to less than five (5) feet.

The public hearing was closed at 4:10 p.m.

Discussion on Garage Placement in Residential Districts

Chair Henry indicated that a concern about regulations in the City’s Zoning Code with respect to placement of garages in residential districts was expressed at the last Planning Commission meeting. Jim Sloan then gave a presentation outlining what the current zoning allows and led a conversation as to what choices the Commission has in terms of garage placement. It was explained that the way the Code is currently written it allows for garages to be placed in front of the front façade of the house if the front of the garage is located on the required building line (RBL). Mr. Sloan explained that the Commission has the following options:

- Retain the language as it currently exists: This would allow garages to be placed in front of the front façade of the house as long as the garage is on the RBL.
- Amend the language to allow garages to extend beyond the front of the house in any case
- Amend the language not to allow garages to extend beyond the front of the house in any case

Mr. Sloan provided the Commission with pictures of houses in the City that have garages that extend beyond the front of the house. He indicated that he thought these house and garage layouts were acceptable. There was some debate as to whether having garages that extend in front of the house was in keeping with the character of the neighborhoods that the City was trying to retain. After some discussion, the Commission decided to retain the language as it currently exists, which would allow garages to be placed in front of the front façade of the house as long as the garage is on the RBL. The Commission directed staff to look at the Code language to make sure that the Code does not allow the garage to extend beyond the front of the front façade of the house if it is a detached garage. Chair Henry recognized that the Commission was provided with information on garage placement from the American Planning Association, but he asked that statistical information on this matter be provided; he was interested in understanding the impact of these matters on individual property rights.

Discussion on Subdivision of Land Ordinance

Don Henry explained that a copy of the Subdivision of Land Ordinance was provided to each Commissioner at the last meeting so that everyone could start to read it. He went on to say that in the current agenda packet the Commission was provided with correspondence from LSL Planning that outlined proposed changes to the Subdivision of Land Ordinance that would need to be made to make it consistent with the City's new form-based zoning ordinance.

Staff was directed to come back at the next meeting and have the recommendations made by LSL Planning incorporated in the Ordinance, so they could see how the recommendations translate. With regard to the recommendations by LSL Planning in relation to Site Condominiums, the Commission indicated that the section for site condominiums should be revised to make it clear that they must follow the requirements of the zoning ordinance with regard to streetscape design, sidewalks, street trees, etc.

With regard to the recommendations by LSL Planning in relation to sidewalk location, the Commission indicated that they felt that sidewalks should be provided on both sides of the street unless there is a compelling reason for not putting them on both sides. Ms. Ribant said she would look at the sidewalk plan for the City and provide the Commission with any information that will help aid them on how to deal with this issue.

Chair Henry explained that some time in the near future, the Commission will be asked to amend Chapter 18 "Streets and Sidewalks" of the City Code to ensure that it too is consistent with the new Form-Based Zoning Ordinance.

Review Planning Commission Education Credits

Chair Henry asked the Commission to review the education credits recorded for each commissioner as outlined in the Education Requirement report. He said if any commissioner has any updates that he/she is to let staff know.

It was also announced that the following education credit opportunity was available:

Continuing Education Credit Opportunity
Presentation on Flood Plain Management
Department of DEQ
City of Fremont
Thursday, November 19, 2009
10:00 a.m. - noon

Unfinished Business

There was no unfinished business.

New Business

There was no new business

Commissioners' Discussion

There were no items of discussion by the Commissioners.

Staff Update

Michele Ribant indicated that there may be a public hearing at the November 24, 2009 Planning Commission meeting and since that takes place during Thanksgiving week, she asked the Commissioners to let her know if they think they will miss that meeting; she was trying to determine whether there would be a quorum.

Next Meeting

Fremont Planning Commission

November 24, 2009

Fremont City Hall

Council Chambers

4:00 PM

Adjournment

There being no further business of the Fremont Planning Commission, the meeting adjourned at 5:00 PM.