

Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, January 30, 2014

Call to Order/Roll Call

Chair Hamilton called the meeting to order at 7:00 p.m.

COMMISSIONERS PRESENT: Roxanne Ezzet
Philip Green
Esther Gonzalez-Parber
Shelly Hamilton (Chair)
Laura Kehrlein
Brannon Ketcham

COMMISSIONERS ABSENT: Shelby LaMotte (Vice-Chair)

STAFF PRESENT: Jim Moore, Planning Director
Linda Neal, Senior Planner
Katherine Wisinski, Town Attorney
Joanne O'Hehir, Minutes Secretary

APPROVAL OF AGENDA

M/s, Ketcham/Kehrlein, Motion to approve the agenda:

AYES: All

OPEN TIME FOR PUBLIC EXPRESSION:

No one came forward to speak.

ELECTION OF NEW CHAIR, VICE CHAIR AND APPOINTMENT OF MEMBER TO SERVE ON THE TREE COMMITTEE IN 2014

M/s, Green/Ketcham, Motion to continue the election of a new Chair, Vice-Chair and appointment of a member to serve on the Tree Committee in 2014 to the next meeting due to the absence of Vice-Chair LaMotte.

AYES: All

CONSENT ITEMS

There were no consent items on this agenda.

PUBLIC HEARING ITEMS

1. Consideration of a draft Ordinance Amending Town Code Chapters 5.52, 17.012, 17.020, 17.092, 17.096, and 17.104, and Adding Chapter 17.130 to Rezone All Parcels Currently Zoned Highway Commercial (CH) to Central Commercial (CC) Zone, Rezone APN 002-112-13 and 001-104-012 From Limited Commercial (CL) to Planned Development District (PDD); Rezone APN's 174-070-17 and 174-070-50 From UR-7 to PDD, Add a Public Domain (PD) Zone, Rezone Selected Parcels PD, Provide for the Supremacy of the Zoning Map over the Text in Event of Discrepancy, Correct Existing Typographical Errors, and Update the Town Zoning Map to Reflect Zoning Changes. Resolution No. 14-01 and Resolution No. 14-02 are being considered.

Planning Director Moore introduced Town Attorney Katherine Wisinski. Mr. Moore provided background information on the Draft Ordinance and noted that the Town Council had adopted the General Plan in April 2012 by resolution. Mr. Moore discussed the Zoning Ordinance in relation to the General Plan and the need for both the Zoning Ordinance (including the Zoning Map) and the General Plan to be amended via separate resolutions. He said that the commissioners' would need to discuss the changes suggested by staff, make any amendments and then recommend to the Town Council that those changes be adopted. A special Council hearing had been scheduled for February 13th with a second reading on March 5th to adopt the changes.

Mr. Moore discussed the main sites that would be affected by the zoning changes. He noted that the property owners and occupants within 300 feet of the sites affected by the changes had been notified. Mr. Moore explained that staff believed all the inconsistencies between the Zoning Map and the table of individual parcels had been rectified, although he noted that the table would prevail if there were a difference.

Mr. Moore discussed the changes that would affect business owners currently in the Central Highway zone when it converts to Central Commercial. He said that they would be legal non-conforming should their use not be "by right", and that they would require a variance should they wish to expand. However, he noted that the intent of the crafted language in the Central Commercial zone would be to allow uses that encompassed the spirit of Fairfax.

Chair Hamilton and Mr. Moore discussed the Planned Development District zones, which Mr. Moore noted would be designated for condo use.

Commissioner Gonzalez-Parber and Mr. Moore discussed the application for the Chevron Gas Station in relation to the rezoned Central Commercial district.

Town Attorney Wisinski noted that, since the site was no longer an operating gas station, future gas station applications would not have legal non-conforming status.

Mr. Moore and Commissioner Kehrlein discussed the Town and Country property in relation to zoning.

Chair Hamilton opened the public comment period.

Lou Vaccaro, 21 Olema, discussed his concern that his son might need to find a new business site if the property at 10 Olema were ever developed and that he would object to the house on the property being torn down, which was one of the oldest in Fairfax.

Fred Dern, 27 Olema, expressed his concerns regarding the zoning change to the Olema site that related to the impact, plans for access, funding, the site capacity and the fact that the outcome would be unknown.

Pat Cottrell, 35 Olema, said that he would like to know the capacity of the site at 10 Olema.

Aaron Wentzell, 2082/2084 Sir Francis Drake Blvd, discussed his concerns that property rights of current businesses would be removed.

Mat Gogl, 103/105 Olema, said that he would also like information on the capacity of the site at 10 Olema, and he expressed his concerns about traffic.

Chair Hamilton closed the public comment period. She noted that the Planning Commission would be approving recommendations that the Town Council were considering for adoption.

Mr. Moore noted that a project on 10 Olema had not been approved; that the owner offered his site to allow development to occur and that the town was in the process of amending the zoning code to allow a future project should one be presented. Mr. Moore further noted that if a development project were submitted, then it would proceed through the entitlement process with public hearings. He noted that Mr. Vaccaro's son's use of the property was illegal under the current zoning code, and he recognized that there were other similar informal uses in Fairfax that the town did not interfere with unless there had been a complaint. Mr. Moore confirmed that the house on the site of 10 Olema was historic and would not be affected. He discussed the site in relation to the workforce housing and noted that a maximum of 22 small units could be built.

Mr. Moore discussed funding for an application. He said that the town would control the scale, and noted that it would not exceed two floors and 28.5 feet.

Commissioner Ketcham discussed funding in relation to meeting state requirements and Chair Hamilton noted that the parcel had been zoned to be consistent with the character of the Town of Fairfax, including its historical elements as articulated in the conservation element of the General Plan, as well as to supply affordable housing. She noted that the Town could not act on building projects unless they complied with the policies in the General Plan.

Commissioner Green discussed the purpose of the Central Commercial zone and noted that the effects of the change from Highway Commercial to Central Commercial would not be more onerous.

Commissioner Ezzet noted that uses could be changed to meet the changing needs of the community and that the General Plan could be subsequently changed.

Town Attorney Wisinski noted that the Town Council could not make substantial changes to the ordinances unless those changes were returned to the Planning Commission for further discussion. Ms. Wisinski suggested that the language in the resolution be amended regarding the Zoning Map to reflect that it would not be a static document.

Chair Hamilton and Mr. Moore discussed the way forward and Ms. Wisinski noted that the commissioners would be approving two resolutions, which she discussed.

Discussion took place on the wording of Resolution 14-02.

M/s, Ketcham/Ezzet, Motion to approve Resolution 14-01, recommending the Town Council adopt an Addendum to a previously adopted Mitigated Negative Declaration with respect to proposed Ordinance No. _____

AYES: All

M/s, Green/Gonzalez-Parber, Motion to approve Resolution 14-02, recommending the Town Council adopt Ordinance No. ____ thereby amending Town Code Title 5 (business taxes, licenses, and regulations), Section 5.52.080(A), and Title 17 (Zoning), Sections 17.012.010, 17.012.030, 17.012.040, 17.012.050, 17.012.080, 17.012.090, 17.012.100, 17.012.110, 17.012.140, 16.012.160, 17.092.010, 17.104.010, and Chapters 17.096 and 17.104; and adding section 17.012.170 and chapter 17.130, with the following amendments:

WHEREAS, General Plan Land Use Program LU.7.1.1.2 Plan directed that all properties within the Town zoned as Commercial Highway (CH) be rezoned to Central Commercial (CC), and

Be amended to read:

WHEREAS, General Plan Land Use Program LU.7.1.1.2 Plan directed that all properties within the Town zoned as Commercial Highway (CH) be rezoned to Central Commercial (CC), and the Town looks forward to addressing all aspects of this zoning change in a timely manner; and

WHEREAS, the Fairfax Planning Commission has heard a presentation on the proposed Ordinance, taken public, testimony, and considered the entire record before it at a duly notice public meeting held on January 16th, 2014; and

Be amended to read:

WHEREAS, the Fairfax Planning Commission has heard a presentation on the proposed Ordinance, taken public, testimony, and considered the entire record before it at a duly notice public meeting held on January 30th, 2014; and

WHEREAS, the Fairfax Planning Commission at the January 16th, 2014 public meeting determined that the proposed Ordinance brings the affected portions of the Zoning Ordinance into conformance with the 2010 – 2030 Fairfax General Plan.

Be amended to read:

WHEREAS, the Fairfax Planning Commission at the January 30th, 2014 public meeting determined that the proposed Ordinance brings the affected portions of the Zoning Ordinance into conformance with the 2010 – 2030 Fairfax General Plan, which may be amended from time to time.

MINUTES

2. Minutes from the December 18th, 2013 meeting.

M/s, Ketcham/Gonzalez-Parber, Motion to approve the minutes of December 18, 2013 with the following amendments:

Page 2, “The Climate Action Plan (CAP) went to the Town Council on December 4, 2013 and will be reviewed again for final action after some changes on February 5, 2013.....”, to be amended to read:

“The Climate Action Plan (CAP) went to the Town Council on December 4, 2013 and will be reviewed again for final action after some changes on February 5, 2014.....”,

PLANNING DIRECTOR’S REPORT

Planning Director Moore reported that GPIC (General Plan Implementation Committee) would be presenting the Draft Climate Action Plan at the next Town Council meeting. A resolution will be prepared to establish a Climate Action Plan Committee, which it was proposed should be a sub-committee of GPIC.

Mr. Moore discussed the proposed Town Center Plan public participation process, which he said should comprise of three workshops in 2014.

DISCUSSION ITEMS

In response to Commissioner Ketcham, Planning Director Moore noted that discussion on the Chevron Station site had been agendaed for the next Council meeting.

Chair Hamilton and Mr. Moore discussed the draft Open Space Trails Plan.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Joanne O'Hehir