

**Minneapolis Zoning Board of Adjustment Meeting
November 7, 2013, Room 317 City Hall**

Date of Z&P Meeting: December 9, 2013

ITEM SUMMARY

Description: Item #2, BZZ #6293

Variance: Don Gerberding, of Master Properties, on behalf of Lake Ltd., has applied for a variance of the screening and landscaping requirements for a proposed accessory surface parking lot located at 3408 Lake St E in the C2 Neighborhood Corridor Commercial District.

Action: The Board of Adjustment adopted staff findings and **denied** the variance of the screening and landscaping requirements for a proposed accessory surface parking lot located at 3408 Lake St E in the C2 Neighborhood Corridor Commercial District.

Aye: Cahill, Ditzler, Finlayson, Johannessen, Ogiba, Sandberg,

Nay:

Absent: Thompson

Motion: Approved

TRANSCRIPTION

Staff Sether presented the staff report.

Chair Perry: I don't usually interrupt staff, but for clarification that seven feet is from where?

Staff Sether: The seven feet is typically measured from the property line. However, this particular project, give a little background; the applicants are proposing land uses where the parking requirement will increase. One of those uses is a childcare center. They are requesting that the staff grant them at least the two feet towards that seven feet of compliance and we would be open to that. So essentially the specific regulation is to seven feet, we have some flexibility in recognizing that two feet within the right of way, so between five and seven depending on the outcome of today's public hearing.

Chair Perry: Thank you.

Staff Sether continued with her presentation.

Chair Perry: Thank you Ms. Sether for your presentation. Are there questions of staff? Mr. Johannessen.

Commissioner Johannessen: Thank you Chair Perry. I'm sorry I forgot, what would be the required number of stalls?

Staff Sether: The increase is two drop off spaces and the zoning code authorizes those two drop off spaces to either occur off-street or on-street with the permission of the City engineer. Essentially it just means the area would have to be signed appropriately indicating it was for loading and unloading of children.

Chair Perry: Mr. Sandberg.

Commissioner Sandberg: Thank you Chair Perry. It looks like the building is pretty much in line with the line that their planning for the parking surface is the setback of that building non-complaint with current zoning for that area?

Staff Sether: That is correct. There is an equivalent setback for the first forty feet based on the adjacent zoning being residential and the adjacent use being residential. So essential the building is within that required front yard setback along 34th Ave S but the length of it doesn't capture any of the proposed parking.

Chair Perry: Any other questions. I see none. Thank you very much. Is the applicant present? Yes sir. Would you like to step forward, give your name and address?

Don Gerberding with Master Properties (2747 Emerson Ave S Minneapolis): The request today is to reduce the side yard setback, the landscape area from seven feet to two feet. For a little background, this particular property is zoned C2 but is located within the landscape area Special Service District of East Lake St and that Special Service District has very specific landscape requirements which are actually over and above what the C2 zoning landscape requirements are. For clarification, within that prescribed seven feet of landscaped area that can because the Special Service District, customarily places the ornamental fencing, which is unique to the Special Service District, that fencing is placed at back of sidewalk, which doesn't always conform to the property line so there is a spacing there between back of sidewalk and property line which is considered right of way. The Special Service District requirements for this landscaping allows that area between back of sidewalk and the property line to be recognized as landscaped area. Hence, as you see on the front of the property between the back of sidewalk and the property line this is a full seven feet which complies with the requirements. What we will be talking about today is on the west property line where there is two feet available between the property line and the back of sidewalk. What we're really talking about today and I'd like to emphasize is there are many things which impact the design, the utilization and the common sense in what goes into this particular property and the design. What I've tried to depict here is to present a very simple and straight forward depiction of what will happen and what we're proposing. The objective here of all the parties of course is to meet the intent of the landscape Special Service District improvement requirements and also the code requirements. The question is how do we satisfy the purpose and functionality in the use and requirements in a way that achieves the intent of the ordinance? The variance and the ability to vary, allows one to achieve the intent and goals in a complimentary or perhaps a different way. So that's really what we are asking about today. I'm also going to ask Mr. Kennedy who is the owner to come to the podium and talk a little bit about his involvement in this Lake St Special Service District and give some examples of what historical compliance has been. With regard to the staff findings, I think we all know a hardship is not created whether or not one is in violation of the law rather a hardships a factual issue of whether or not the situation is problematic. And that's exactly what we hear today. The staff finds that the circumstance upon which a variance is requested has been created by the applicant. That's what the report says, the existing building, we're not going to move the building that makes no sense, the existing building has no existing off-street parking. Zero. It was granted a grandfather parking on the street. So the owner purchased this building for which the city required no parking, and that conflicts with the zoning codes,

this no parking requirement. The owner constructively repurposing this building. It has five tenants, a child care center, a law office, a chiropractic office, a medical device company office and an after school child learning center. So, the real need in providing this is two-fold. One, to accommodate the success of the businesses and provide them some parking and oh by the way, doing that takes pressure off of neighborhood parking, for the neighborhood residents on their street. But a very important component of this whole design is Ms. Sether referenced the two required spots by state code for loading and off-loading as required. We got a Lake St which is a very busy commercial corridor, there is a parking bump out which one could load and unload. The daycare is licensed for plus or minus one hundred children and we're talking about two parking spaces that may work on Lake St, now I'm talking about common sense again. One of the main objectives of this whole parking lot was to provide a safe and comfortable maneuvering area in which the children could be dropped off and picked up. I think what we've tried to do with alternative compliance here, if you note that the Special Service District requires ornamental fencing be placed along the frontage of Lake St and also a return to the first section along 34th Street. We have placed ornamental fencing around the landscape yard which the children will use as well as the full face of both Lake St and 34th Ave. By way of percentages its 115 feet required, we're providing 230 feet, which is 100%. Again, and I could go through.....<tape flip>

Two feet on the west property line allows us to do is we still have the ornamental fence at back of sidewalk and we've proposed that we put native forester grasses which provide screening and buffer year round. And we've all seen them, they're in the medians, they're commonly used for landscaping. But more importantly what that does is, it provides us eleven stalls to be able to use for the businesses but more importantly we're talking about children, an after school child center as well as a daycare, I think that's important. So the staff findings, finding number one practical difficulty. I disagree; the owner didn't create this situation. Finding number two, the owner proposes to use the property in a reasonable manner that would keep in the spirit and intent of the ordinance. The purpose of the regulation of the landscaping and the screening of the surface parking lots is to one, promote development which is compatible with nearby properties. Clearly we've met that standard. Promote neighborhood character, well neighborhood businesses are here, new neighborhood businesses and we have a childcare with a playground. The landscaping improvement exceeds the minimums to promote natural features. As a matter of fact, the requirement for landscape is 20%; we're at 26% plus all the other improvements. Minimize vehicular conflict, obviously a parking lot off-street is going to minimize vehicular conflict. Reinforce the public spaces; I think this high design certainly does that. And promote public safety, visual enhanced development; I think we've met absolutely every one of those criteria. I disagree with staff. The third finding, the proposed use will not alter essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, an enhancement like this I think is anything, does everything to enhance the property, and the staff concurred with the third finding. So gentlemen that's kind of the background of why we think that this is the highest and best way to use this property, it benefits the tenants, it certainly benefits the children in the daycare. Two feet versus five feet to put at risk safety and providing a better use for a property. I think the matter is just common sense, with that I'd like to introduce Mr. Kennedy and when he's finished I'll be.....

Chair Perry: Mr. Gerberding, I'll be introducing people, not you.

Don Gerberding: Excuse me I'm sorry

Chair Perry: Thank you. Do you have any more testimony to provide?

Don Gerberding: I'd like the chance to speak after Mr. Kennedy if I may.

Chair Perry: I think you have observed during the first public hearing, that's not how it works. You get to make your testimony and you'll sit down. We'll have the next person come up; they'll give testimony and so forth and so on. Do you have other testimony you'd like...I'll give you another five minutes which is pretty generous.

Don Gerberding: It won't take me that long.

Chair Perry: Great.

Don Gerberding: Thank you. Just to wrap up. I think this issue is really about how the owners and the neighborhood businesses and the neighborhood residents can be smart about utilizing and maximizing the best use. To do everything, which is to ensure the success of the businesses and how to most importantly use this design with the need to provide adequate and safe off street parking for drop off and pick up of children. We originally wanted to come in off of Lake St. that won't work, the county engineers said being a commercial corridor will not allow a curb cut that close to the intersection for queuing and also cross directional traffic, for egress. So we worked hard and long to try to come up with what we think is an exceptional design and we are in front of the board today to request the normal procedure of granting a variance. Thank you.

Chair Perry: You're welcome. Does anybody have any questions for Mr. Gerberding? Mr. Sandberg.

Commissioner Sandberg: Thank you Mr. Chair. Staff mentioned that they had some concern about the handicap spot that was identified in your plan. Is it possible that changing that handicap spot to meet requirements would cause the loss of an additional parking spot?

Don Gerberding: Thank you for bringing that up, the answer is yes. It would cause the loss of an additional parking spot. As you well know, the handicap stall is solely designated and there is the stall next to it with cross hatching which is not permitted to be parked in and it's reserved for loading and off-loading of disabled people from the handicap stall. We spoke at length about this during the PDR process and it was determined that this isn't an alternate way to satisfy that or reasonable way to satisfy that because we made the sidewalk eight feet wide coming from Lake St to the entrance to the second floor, that eight feet meets the need for an off-loading area. Nobody is ever going to park on the sidewalk. In the intent that or in the circumstance that it's needed for handicap off-loading we are willing to stripe it as such and it will never be compromised.

Chair Perry: Does that answer your questions?

Commissioner Sandberg: So your plan is not to keep the full eleven spaces that are there, you expect no change to that requirement.

Don Gerberding: That's our request.

Commissioner Sandberg: Ok, thanks.

Chair Perry: Any other questions of the applicant? I have a question. What other land use changes other than the childcare center are occurring in this building that is requiring this additional parking?

Don Gerberding: There are none.

Chair Perry: I'm confused by something, what's driving the additional parking that you are requesting other than the childcare land use change. There's a land use change, it's a childcare. You have to meet state statute to provide two off-loading and loading area, parking areas, which could be on the street. You say that's not going to work because it's Lake St, it's a busy street we want to have it somewhere where it's safer, why all the other parking spots. I'm not following your logic.

Don Gerberding: Sure. Mr. Chair, we are requesting eleven spots to maximize the parking which we can make available for the building. There is zero parking now, if we were to repurpose this building or if this were new construction, zero parking would not meet code. What we are trying to do is provide two spots which are minimum, by State code for the daycare is not adequate for a daycare that is licensed up to 100 children. We're trying to provide the most area that we can so that when children are dropped off and picked up in the evening they have a safe place in which to do it.

Chair Perry: It seems like you have plenty of room to do that. I'm just trying to follow the argument you are making. It sounds more like you are looking at what the potential land use and potential future tenant use might be and trying to accommodate that rather than just what the childcare is requiring.

Don Gerberding: If I understand you correctly, Mr. Chair, that is correct. We have more than the childcare use in that building, we have other tenants as well for which there is no off-street parking provided. So we'd like to be able to accommodate them as well as provide as much safe drop off and pick up areas as we can for the childcare center.

Chair Perry: Ok, well that clarifies, there seems to be two different purposes there in my mind and that helps me out. Any other questions of the applicant, I see none. Thanks for your testimony.

Don Gerberding: Yes, thank you.

Chair Perry: Would anyone else like to speak in favor of this application? And your name and address for the record please.

Daniel Kennedy (4103 E Lake St): I am the owner of Lake Limited which owns this building. At 4103 E Lake St I have both a law practice and a medical device company which will be moving into this building. I purchased it in 2012, it's actually two buildings. One was built in the twenties; one was built in the fifties. The one that's to the north of what will be the parking lot is the one that was built in the fifties; it's a concrete block structure. The buildings have been mostly vacant for six years, kind of an eyesore if you drive up and down Lake St. They were formally used as an alternative high school. That's creating some problems, because as an alternative high school, it did not have a good relationship with the neighbors. There were cars all over and the neighbors certainly have not forgotten that, nor do we wish to repeat that. It was grandfathered in for more spots than we really need; it was grandfathered in for twenty two spots. Just for the high school portion which didn't even occupy the whole building or the entirety of the two buildings. But it has zero actual off-street parking spaces. So, what we are trying to do is solve a problem, it's not a code problem, but it's a reality problem. As an attorney, I was involved with the reconstruction task force for Lake St when it was all torn up down to the bones and then replanted. I've been very involved in Lake St revitalization, although if the client wants to contest something related to the code, I may assist them on this one, I'm doing much more than is required by the code. I realize that the Lake St has suffered because of the heavy assessments that were placed on it because of all the work that was done which was paid for by all of the property owners, including all of this decorative fencing that you see. The assessment on these buildings was about \$40,000. That didn't even provide fencing on this property; this will all be done by my company. After purchasing, I put in new HVAC, new roofs on

both buildings, a new sprinkler system. I'm adding a wheelchair lift even though none is required. So a lot of work is going into this and when I needed to talk about parking I called Don Gerberding because I know he does good work and asked him for a nice parking lot. That is what you see in front of you. As I say, it is a reality problem, not a code problem. We have a daycare, we have other businesses, and they need parking, that's the reality. Yes, we are on a bus route, but the children are not going to be coming by bus and most people don't come by bus. Some will, but not enough to mean that we don't need parking. We want also to preserve good relationships with the neighbors and avoiding the problems of the past is a good way to do that. It's true we could just leave things the way that they are and children would be getting off on both sides of Lake St as they do now, both the near side and the far side and come across the street as we know when the snow comes, those parking spots will not be parking spots. They are going to be in that first lane of traffic as Lake St narrows down. And, that may be legal but it is not the right thing to do and so we are trying to provide a different way of handling that issue. So we've got various office uses, mine for medical devices and law, we've got children coming to two different uses and we also have a need from the Department of Human Services to have a 1500 square foot playground, a play area for the children. So that takes up some of the space and that leaves us what is left. Now it's true I could have moved the play area over to the west side, so move it to the left, in which case we wouldn't have to come here and ask you for a variance because we'd have grass over there and we could have put the parking lot on the right. That works great for me and I would have gone with it if the engineers had said that we could do that. The engineers said no, you can't do that because of the traffic conflicts that Mr. Gerberding pointed out. So what works best for the site, unfortunately, does not work best for the City. And so, we're taking the engineers words to heart and changing it, but in order to do that and not lose the parking spots, we do need the variance. So, I handed out something that is something I put together. The first sheet is kind of a schematic of the Lake St portion of Longfellow. The following pictures are pictures that I took and they are pictures all within this stretch of Lake St in Longfellow. And they are part of what I refer to as the "Grand Bargain". When we built Lake St again, the City made a deal with the property owners and said, if you landscape that right of way, which is 8 feet on our section of Lake St, that right of way along Lake St, and you landscape it in a certain way, not a cheap way, we're going to call for a certain fencing with concrete post, decorative post and decorative wrought iron style fencing. And you put in certain plantings and third, you wrap that around at the corners. So you go back about eight or ten feet around the corners, you won't have to do the landscaping that would otherwise be required, neither on Lake St or the side streets. And so, those pictures you see are in each case, one taken from the corner, looking back. The one on the left is always looking back. So you see the concrete post and you see the fencing and then you see behind that, there's no setback at all. And everybody was allowed to have their parking lot right to the sidewalk. Now, some of them actually have some. If you go through you see some people have two feet, one has five feet, but in no case do they actually comply with that seven feet because they weren't required to do that.

Chair Perry: Mr. Kennedy, I see lots of examples here and I appreciate you taking pictures and providing us documentation, but, I am not at all following how this relates to your request for a variance. Other properties, unless you're talking about something about in the character in the neighborhood, we can talk about that. But what you should be doing is talking about your request and something that's unique to your property, not these other properties. Do you have some dispute with the Special Service District that's been set up? That's not for here. So could you focus on the variance at hand that you are requesting for your property and also, to the findings. We are constrained by the findings, and as an attorney, I'm sure you understand that.

Daniel Kennedy: I do thank you. And to clarify, I'm not contesting anything about the Special Services District. In fact I'm saying is what the Special Services District produced is the character of the neighborhood and I'm showing the character of the neighborhood. What I'm proposing is different, it's

better. These wrap around eight to ten feet, I'm not only bringing it all the way to the drive aisle but I'm picking it up on the other side of the drive aisle. So when Ms. Sether talks about the importance of separating the pedestrians from the parking, I'm doing that not just at the corner but I'm doing that all along where the parking lot would be next to the sidewalk. And I'm providing the decorative plantings all along. So what this proposes is actually much better than the character of the neighborhood.

Chair Perry: It's still not the code though sir. Saying better is not the code; you have to give us an argument of why you can't use your property in a reasonable way because of the way the code exists today. Not that you're doing better than other people that has no bearing here.

Daniel Kennedy: Chair Perry, I think that's in large part true but it's also large part true that it's important to know what the character of the neighborhood is and what other people are doing so that you see in relative terms what this will look like. So when we talk about....

Chair Perry: So, I'll ask you again, if you may sir, I don't think we need to be here all night, if you could focus on your property and the variances and the three findings. I would be indebted for you to do so.

Daniel Kennedy: Yes, that's exactly where I'm going, thank you.

Chair Perry: And if you could get there faster, I'd be even more grateful.

Daniel Kennedy: Ok, regarding the hardship, the first element, there are two elements of hardship. One is that the City has allowed this building to exist with no parking and it's a building that factual needs parking. In order to be used this buildings need parking, whether it's a school or a daycare or anything else, this building needs parking. It's on a busy street, crossing the street is not a realistic expectation. Going up the side streets is problematic because the residents need those side streets for their own parking. And so, that's just the hardship of a building with 20,000 square feet in this situation has none. The second is that the engineers won't allow us to do what makes more sense, I think, and put in a situation where we would get 11 parking spots, we wouldn't need the variance, just by swapping the play area and the parking. If we were allowed to do that, no hardship and we would get exactly what we need. But, because of the City's desire to have it differently for traffic engineering, we're stuck with changing it to this way. What that means though, is that seven feet becomes two feet. We still meet all of the targets that Ms. Sether recognized, in terms of enhancing the beauty of it, separating the pedestrians from the parking spots, all the functionality that you might get from seven feet of grass we get in two feet with a decorative fence and decorative plantings. So we're meeting the intent of the code. The second element is, using the property in a reasonable manner, consistent with the zoning code and the comprehensive plan. I will note that all of the uses in here are permitted, they are not conditional, and they're permitted under C2. They would also be permitted under C1. These are run of the mill uses for a commercial corridor. There's nothing out of the ordinary, nothing that would be noxious or dangerous in anyway. So in terms of looking at how we're using the property, I think that's an important element, but in terms of what we're providing, we are providing things that are consistent with the zoning code. We're meeting what's consistent with how the City itself treated all the other properties. And the last page in that is a series of, in that handout, is a series of hard hats showing where the construction was done on all these properties to comply with the City's regulations which is not quite as nice as ours is going to be. As far as the comprehensive plan goes, goals such as providing living wage jobs, strengthens the commercial corridor, and helping with the revitalization, improving the physical infrastructure for the business community, we are meeting all of those goals as well. So what we're asking for, in a nut shell, is we take seven feet of what could be grass, condense it to two feet, meet the same purpose, make it look a lot nicer, and in doing

so we solve some problems, not just for this building but also for the neighborhood. Thank you very much.

Chair Perry: Thank you Mr. Kennedy, does anybody have any questions of Mr. Kennedy since he owns the property? Fair enough thank you. Is there anybody else to speak in favor of this application? Is there anyone to speak against? Sir you're here to speak against?

Pastor Rueben Roundtree (3418 Lake St.): I'm in favor of it; I came to speak so these gentlemen would hear me. Mostly it's for their benefit because we have a parking lot, rear adjacent to them, and we share it with a future daycare center has already signed an adjacent share off-street parking contract with us for the use of our space. There has been quite a few times when our space has been occupied by some of the ones from the building there and it has caused some problems on various different times cars have been parked there, we don't know if they are running or whatever. So I just want to assume that when this parking lot is done, that there will no longer be a need for them to occupy our parking space. That's basically what I came to say. Hopefully this will solve our problem as well, because we've had cars in our parking lot and we don't know where they come from and we find out that they are being occupied by the people in the building next door. I didn't know what venue would be available for me to express that but that's really what I came for.

Chair Perry: That's an enforcement issue, unless you have an agreement with the property owner to use your parking lot.

Pastor Rueben Roundtree: Yea, I do have an agreement with their putting a daycare center right adjacent to us, so we have a signed agreement to share our parking lot with 3424 and so they have asked several times about using it and we expressed that. That's basically all I came for.

Chair Perry: To answer your question, cars showing up that are not part of that agreement, it's an enforcement issue which is not part of this body. But thank you for coming down and giving your testimony Pastor, it's on record now. Anyone else to speak against/for, I see none. Let's close the public hearing. One thing that was stated by one of the applicants is that staff found for them, for finding number three, that is inaccurate, staff did not find for any of the three findings. I just want to make sure my colleagues know that. Board comment? Mr. Johannessen.

Commissioner Johannessen: Thank you Chair Perry, I just want to inform the board members that I am in full agreement with staff findings.

Chair Perry: Thanks for those comments. Mr. Finlayson.

Commissioner Finlayson: With all regard to the <use of> circumlocution, I agree with staff.

Chair Perry: Thank you Mr. Finlayson for those comments. Mr. Cahill.

Commissioner Cahill: Thank you Mr. Chair, my main concern rest on the fact..... quality project and planning, but I'm still having trouble with the practical difficulties nature of it. Whether or not there is something available granted its improvement with eleven spaces but still with seven spaces, that's an improvement and with that is granted other places may be doing something but the whole point is, this is what the law is currently and that's what the requirements are. And if there is a need for that base that absolutely you cannot use the property reasonably without that. While certainly there is an interest in having off-street parking as much as possible, maximizing that, I don't think it merits the point that it's

unreasonable. I think that as it stands, even with any greater parking space off there, it's still a reasonable use, it's still going to provide both for the property and for the surrounding properties. That's where I'm having some difficulty so.

Chair Perry: Thanks for those comments Mr. Cahill. Any other board comment? Mr. Ogiba.

Commissioner Ogiba: Essentially I agree with the first statement of fellow board member Cahill, I'm struggling to find practical difficulties in this. While I appreciate the intent of the building owner to enhance their property, provide for their tenants, and try to achieve a number of goals, I simply heard nothing from them, in their extremely lengthy testimony, to provide anything that gave us an idea of what sort of practical difficulties existed in this particular space that caused it. Talking about city engineering, is to me, and attempt at misdirection, to us, to try to mislead us in thinking there was a practical difficulty when none exist. So, essentially I believe that staff has found correctly in this particular situation. They have assessed it correctly and plan to support their findings.

Chair Perry: Mr. Sandberg.

Commissioner Sandberg: Thanks Mr. Chair, I agree with most of what's been said. I think what we're talking about here is the practical difficulties and the reasonableness of living with nine spaces instead of eleven spaces and I don't think that difference is significant enough. I think that having nine additional spaces for this building is a reasonable approach and would allow the project to proceed without a variance.

Chair Perry: I have a question of staff. I'm sorry Mr. Ditzler. In my neck of the woods, there are restaurants with 120 tops, seats, where the off-street parking requirements are eight. If there was no grandfathering here, what would be the City's requirement for off-street parking for this use, with no grandfathering? I'll tell you those restaurants would love eleven parking spots, and so would the neighbors.

Staff Sether: How much square footage for the childcare Don? According to the applicant there would be 21 spaces off-street required with the use if this building were proposed brand new today. And if that were the case, then we would evaluate that based on the layout of the building. I mean if this were built today, the configuration would not be in the manner that it is today either.

Chair Perry: Great, thanks, that was helpful. Mr. Ditzler.

Commissioner Ditzler: Thank you Mr. Perry, I do concur with most of my fellow board members. I guess the only point that I wanted to say is that, I do think it was an interesting point, and probably not specifically unique to this property being on Lake St, that since the county is involved and not allowing a curb cut on Lake St to access the parking lot, which obviously seems like a wise idea, that the applicant is restricted a little bit on how they can access their property for off-street parking. It's obviously not unique to it as all the properties on Lake St are subject to the same regulations and scrutiny by Hennepin County engineers would be my guess. I guess my, to go off of what board member Cahill said, obviously sounds like two required spots for a daycare, altogether that may be the state requirement, the City requirement seems woefully inadequate but obviously we are not here to debate that. The applicants did not really persuade me or give me any testimony to go from two to eleven. Obviously they want more, everyone would like for them to have more, the neighbors would like them to have more, their tenants would like them to have more, and their customers would like to have more. But what is more? Is more three, five, seven, nine, eleven? With the regulations here, it looks like they could get nine or eight. So I'm unable to

make that jump based on the testimony that the applicants gave so I would agree with Mr. Cahill and I would like to move a motion to move staff recommendation on this item.

Chair Perry: You made a motion to adopt staff recommendation and deny the request and Mr. Sandberg seconded it. Is there any other discussion on this? Clerk, please call the roll.

Aye: Cahill, Ditzler, Finlayson, Johannessen, Ogiba, Sandberg (6)

Nay: (0)

Motion was approved