

Study Session Meeting Minutes Sept. 26th 2023

Joint Study Session with Planning & Zoning

Mayor Omerza called the meeting to order at 6:37pm

Present: Council members A.Forsman, Kess, Debeltz, Callen, Campbell, and Mayor Omerza.

Absent: Council Member Bisbee

Also Present- Planning and Zoning Commissioners Mauro Caruso, Emily Roose, Mike Banovetz, Alan White and David Hernesmaa

ADDITIONS OR OMISSIONS: None

OLD BUSINESS: None

NEW BUSINESS:

Discussion with Planning and Zoning to discuss the updated evaluation of permissible and conditional uses list.

Planning and Zoning Chair Mike Banovetz started the discussion by giving a background on the length of time P&Z has been working on the permissible and conditional uses list. He stated that there is information on changes that have been made, and since they started working on this most on the P&Z Commission are now new and a lot was done within the last month. Near the end, a couple new things were added such as mini storage and a dog park. Banovetz stated that him and Commissioner Mauro Caruso started working together to eliminate things that they didn't think were appropriate for the City and discussed these with the commission. Right now they are cleaning the list up and had good insight from new folks on the commission.

Planning and Zoning provided a side by side comparison of the original permissible and conditional uses list as well as an updated one for Council to compare.

Mayor Omerza- asked if there were any areas that they wanted Council to look at first or if the P&Z Board wanted to start.

Banovetz -stated that the updated list combined P1 and P2 (Public 1 and Public 2). He stated that they didn't change C1 (Commercial 1) and C2 (Commercial 2) but wanted to make a recommendation to combine C1 and C2 to just C1. He stated that he and Commissioner Caurso had a word doc that has the current definitions and what they are proposing for definitions and the reason they are wanting to combine them is because the wording is so similar.

Banovetz- stated they were recommending to just to have P1 and C1 and eliminate P2 and C2. He read the definitions from the code book (C1-C2) and combining the two into

C1- to provide for a shopping area with general offices and general retail sales including businesses that require large amounts of land to conduct business and desire highway frontage.

Kess stated that C2 was created for the businesses in the business park on Miner's Drive where they did not want to have retail, they didn't want people to buy the property and create another retail center and that C2 was aimed at businesses that need standalone facilities.

Cauro stated that when this came about it was when they were working on the comprehensive land plan, they spotted stuff everywhere. The reason to combine C1 and C2 is for larger areas that are commercial. The only difference in C2 now states that they would need minimum setbacks which is still required because there isn't anything existing, and would have to be built new. This would fall under the building official which meets the frontage because of parking, everything that we now apply to any new building.

Kess stated that the biggest difference is that it is retail and do we want retail to be able to go anywhere. And why not have two commercial zones?

Caruso stated that the business park we do have is on Miner's Drive and we already have rules for that. The commission went through the land that the city owns, and what the possibilities are. You will see we took out some things, and if it was annexed in it would apply to the new rules. If someone wanted to open a retail shop in the business park depending on the type it is, if it is not zoned properly they wouldn't be able to.

Kess-if it was a retail shop they could because it would be an allowable use- C2 now is reserved for the business park and shouldn't have mixed kinds of business.

Cauro- It is very spotted, and there are C1 and C2s and RTs that are all mixed together.

Forsman- The majority of the businesses on the East end of Sheridan St are zoned C2- so C2 is being used as retail.

Cauro- We are thinking of what we already have, expansions and how we can minimize how we can have all this spot zoning. There is stuff everywhere. It was a way to try and reign in and make a commercial district and a residential district as we move forward.

Banovetz- Further down in the ordinance there are examples of basic provisions, under C1. It says central district business shops, general commercial uses and services. It says on site size not to exceed 3 units or 25 feet of square frontage. In C2 it says services, roadside uses for travelers' convenience, grocery stores, limited shopping facilities, on sight signs and drive-ins. With lot areas, set-backs, side setbacks, rear yard setback total building coverage and height. Under C1 they are not applicable until you

get to total building coverage which is 90 percent and a height of 3 stories or 45 feet. Under C2 square foot is not applicable, sidewall dimension not applicable, lot width not applicable, lot area not applicable, but front set back at 25 feet, side yard setback at 8 feet, corner side yard at 15 feet, rear yard setback at 15 feet, and total building coverage 50 percent and 2 stories or 35 feet. That is the definition we have right now.

Mayor Omerza- Is there something else that covers the business park? Are the covenants still in place?

Banovetz- according to ordinance they still exist.

Mayor Omerza- I see planning and zonings side in cleaning it up and also why there is a need to keep them separate.

Banovetz- let's move on to P1- Currently states lands owned for the establishment of public services, utilities, structures, and other buildings necessary for the health, safety and welfare and the public. P2 says lands owned for the establishment of public services, utilities, structures, and other buildings necessary for public and related works, for the health, safety and welfare of the public, just make it P1.

Mayor Omerza-are there any differences in P1 or P2?

Banovetz- nothing in ordinance that distinguishes them.

Forsman- Are public parks and schools considered part of this? Public works is grouped in this as well. Public Works has fuel tank storage and now that is not a permitted use in that zoning.

Caruso- we are not saying to change any zoning, the zoning is staying where it is, we are just saying to combine the two. So for public works it still fits in public 1 or 2 it doesn't matter. That zoning for public is already there.

Forsman- Fuel storage is not zoned for any public use. So it is conditional everywhere, however it is appropriate in a public works area.

Caruso- we are just saying the definition still fits under both, there are no gas filling stations in P1 or P2.

Banovetz- They are listed as O (open) and not X in the uses, so someone would have to come and let Planning and Zoning what they want to do and they will decide if it is appropriate or not.

Forsman- it should be an O for public also.

Caruso- It isn't in there

Forsman- Public works has fuel storage it should be a conditional use in a public facility, as a conditional use you'll have to consider it.

Banovetz- Fuel storage will have to come before P&Z to make sure it is appropriate.

Forsman- Commercial Zoning C1 or C2, especially in downtown Ely a majority of businesses were built with residents above them. Say you have a building with a residence on top and it is not being used as a residence does that negate the ability for that place to become a rental or residence.

Caruso- We have a housing issue so we would love to have housing, the idea was that if you take a home and turn it into a business in a commercial district it would remain a business from that point on. Not the ones with a residence on top, but a home, if it turns into a commercial property it should remain a commercial property. The point was to make commercial, residential and eliminate all these spots.

Kess- This is of concern to me, apartments are listed as acceptable in a residential area but not in a commercial area, so if I had a business with an apartment above and I tried to sell the unit I would be out of compliance. We have lots of apartments in C1 and C2 areas, we don't want to make it tougher on these people. There should be X's there as an allowed use. If someone wanted to build an apartment on Sheridan St. we would say no? This is a concern for not only the existing uses in the commercial zone and any potential ones.

Roose- This was intended to be the primary use of the building and the apartments above would be secondary so therefore would be allowed.

Forsman- I've heard that before and it would help if that was written somewhere.

Banovetz- When I went through examples there was nothing in there about apartments it's not allowed today.

Roose- Could we add in a definition for primary and secondary use in the ordinance?

Caruso- That is already under the building and occupancy. We have a shop at the bottom and an apartment on the top in a commercial zone, doesn't the use of the building fall under the occupancy use that is already in there, and that defines primary and secondary.

Kess- Easiest way to fix this is to make it an allowable use. Or to be sure it allows multiple occupancies. If someone tries to sell, this will complicate the transaction.

Caruso- Everyone that is grandfathered in is not changing. The idea was to take out all the spots everywhere and to unite the residential and commercial.

Banovetz- We are providing the information you are the deciders.

Mayor Omerza- We have it covered it should be understood. Hotels and motels are allowed, outfitters and recreational, would that cover it as well? Rooming house, boardinghouse?

Kess-Boarding house would be long term.

Forsman- Rooming housing we referred to in the short-term rental, we were keeping them separate for the outfitters.

Banovetz- There was some discussion specifically to Voyageur North Outfitter during the summer that is for the canoeing customers, but in the winter they change it over to rooming for college students.

Kess- Sounds like a hybrid license can do short term rental for part and long term for the rest.

Mayor Omerza- Are we ok with the housing?

Kess- when it comes to what we want to add.

Banovetz- One of the things Mauro brought up about Sheridan St. was thinking about that being a commercial zone down the whole street in the long term. When the city was young it was the only road into Ely, and that is why there are a lot of homes along there. When they get converted into a business they should stay a business. However there are some businesses that are in homes, that could be still be sold as a home. It is really difficult to cover every situation with these things so the tendency is to put O's instead of X's so we can have them come before the commission to talk about what they are planning on doing to see if it is a compatible use.

Forsman- There are plenty of examples of business that went from house to business from business to house.

Caruso- There is nothing in place that stops them now.

Forsman- There were comments made that once it is a business we don't want it going back to being a residence.

Kess- We have seen several examples of people going back and forth and there is no reason to require it stays a business if the owner wished to re convert it. I am generally not in favor of it.

Caruso- Just to be clear it's a discussion we had. There is nothing in place now that stops it.

Building Official Whiney- Short term rental is permitted in the C district because we don't have a limit in the C district. So we look at short term rentals and commercial use. We haven't had too many that have converted from business back to house, we have a few that converted to a short term rental.

Banovetz- Comparing the right side to left side of permissible uses, you can see on the right side it includes more uses into one.

Mayor Omerza- Define child care center?

Caorso- We had a lengthy conversation about that, the state defines that.

Mayor Omerza- Taking out explosives and distribution?

Banovetz- We thought storing explosives in town wasn't a good idea

Banovetz- When you look at the chart, there are a lot of markings and we tried to make it less. One of the things we saw when we worked on this plan, we saw how our city was a patch work of zones instead of having a consistent area of zones.

Campbell- RV parks, are not included on the right side.

Caruso- It is combined with campgrounds

Campbell- It is a public campground?

Banovetz- it is not a P use- when we did the research on P (Public) we are thinking of schools, hospitals, parks, things are for public services, or things that are owned by the City.

Kess- Are we talking about private campground?

Banovetz- You are right

Mayor Omerza- Is it under campground?

Caruso- It is because it is open to the public.

Mayor Omerza- What does RV fall under?

Caruso- Campground-public campground.

Kess- Think we should re name public campground to private campground

Forsman- If you look at school you can have public or private school.

Mayor Omerza- So we can do that? Change public or private campground, because it would be privately owned.

Caruso- We can put it on the agenda and see how it falls.

Forsman- What is O as far as zoning?

Caruso- It stands for open area

Mayor Omerza- Anything else anyone needs to add or say? What is the next step?

Caruso- We are going to do some research on public and private uses, we are going to go over some of the wording for commercial businesses and apartments on on top. We will add some O's to some of those spots.

Mayor Omerza- Can we check on business park covenant?

Forsman- When schools were brought up, public or private, they are on the list twice. Can we take a look at that?

Mayor Omerza- We need to change it to private and charter.

Caruso- We can eliminate and just change to school.

Mayor Omerza- Anything else.

Banovetz- We didn't talk about adult business, we didn't talk about SSL&SR and SML. Shoreline uses. We did not address these at all and weren't part of our work. Not sure if we have any land for these.

Caruso- Isn't the comp plan due again? Every 5 years? This could be part of the comprehensive land use to remove some of those items that don't exist.

Mayor Omerza- Would be good to meet again and good to figure some of this stuff out. We appreciate the work you do.

Mayor Omerza- Adjourned the meeting at 7:37pm

Katie Richards
Accounting Clerk