

Anacortes Planning Commission Minutes - May 10, 2023

Roll Call

Minutes

Minutes of March 8, 2023

Correspondence

No correspondence was submitted.

New Business

Public Hearing: Conditional Use Permit Application CUP-2023-0001 5th Street Retreat Bed & Breakfast

Grace Pollard presented the item and advised the applicant is here as well, and will make an additional presentation. Grace stated that nothing with this request adds to the foot print, as it is all within the existing structure. The zoning requires a conditional use permit. There were no questions or comments from the neighbors at the pre-application meeting. The requirements for a B & B include the owner must be the operator and reside on the premises; there shall be no outward appearance of the B & B; and addition of one parking space. The adjacent properties are light manufacturing and the Central Business District. We will require a new curb cut to the existing underground garage and the new additional parking space located off the alley. Based on the application, the findings of fact and staff report, staff recommends approval with the conditions listed in the packet. Grace reviewed the conditional use criteria per the staff report.

Applicant statement: Gregory Smith, representing the 5th St Retreat, said this has been his primary home since July 2021. They have been renovating it. He provided before and after pictures. He commented that the curb cut requirement is an impediment to the project due to cost. He questions the need for it. He clarified that they prefer we prefer to park on the street, instead of the below ground garage. He said parking on the street helps to slow down other traffic and that the neighbors feel the same. He requests this requirement be removed from the proposal. Commissioner Graff asked if the garage is usable. Mr. Smith said that it is. He pointed out that they can also access the garage off the alley as there is a curb cut there. It's his understanding that the previous owner did the same.

Commissioner discussion: Commissioner MacKenzie asked staff how they feel about the curb cut. Grace said she is not sure why it's required, but there is no legal access currently, so it's considered a non-conforming use. It is not currently viewed as a legal parking garage. Commissioner Graf pointed out that this house is circa 1950 and asked if the City has a responsibility for providing a curb cut to an existing structure. Grace said the City does not. Commissioner MacKenzie wondered if it was grandfathered in as an existing use as a driveway. Grace clarified that it is considered a paved area outside the garage, but not a driveway as it doesn't connect to the street. Commissioner Martin asked if the applicant had not applied for this B & B could they continue to use the garage as they have been. Grace commented that if there was a complaint, there could be a requirement for a new curb cut. The City cannot require them to remove the garage, but accessing it doesn't meet City standards. Commissioner Martin asked if a compromise could be to add another parking space in the alley. Grace pointed out that due to the topography, there is only one space available. Mr. Smith agreed. He said they would have to modify the alley to add more than one space. When he purchased the home, there was nothing said about the non-conforming garage. Commissioner MacKenzie asked if there was any flexibility in the requirement for a total of 3 parking spots. Grace said they cannot deviate as there is a requirement for 2 spaces for the Single Family Residence, which are currently non-conforming, and a requirement for the additional spot for the B & B. Staff supports eliminating the need for the curb cut for the non-conforming use with the understanding that the residents use the street parking and not drive over the curb to access the garage. The parking space off the

alley needs to be designated for use of the B & B. Commissioner Martin asked if the Planning Commission would be setting a precedent here. She asked if the Planning Commission recommended to Council that "we let this be" what happens when the next B & B application is submitted. Grace clarified that a B & B requires additional parking and the non-conforming use doesn't change that. Commissioner MacKenzie said the non-conforming condition precludes the use of the driveway, but doesn't prevent the B & B.

Chairperson MacKenzie opened the public hearing. There were no public comments. MacKenzie closed the public hearing.

Chairperson MacKenzie asked for additional discussion. Grace reviewed the conditions listed in section E of the staff report. She pointed out that #1, the site plan, will need to be modified to remove the curb cut requirement. She asked if the commissioners would like to strike condition #2 regarding installing a new curb cut and connecting driveway. Condition #4 requires 3 off-street parking spots while the B & B is operational, which would need to be changed to require that the property maintain 1 off-street parking space while the B & B is operational. Conditions #3 and #5 can be kept as is. Commissioner MacKenzie stated that they are recommending a revised site plan, removing condition #2, and rewording condition #4 to require 1 off-street parking spot dedicated to the B & B use. Commissioner Jeretzky asked if this concern should have come up when they applied for the remodel. Grace said it may not have because the remodel permit did not address the garage per se. Commissioner Martin asked if condition #1 needs to be changed regarding the "stamped approved date". Libby said the Commissioners could change condition #1 to "the applicant shall submit a revised site plan showing the proposed parking for the B & B use for approval by the Planning Department".

Commissioner Martin moved to recommend approval of the Conditional Use Permit with the following conditions: #1 the applicant shall submit a revised site plan showing the proposed parking for the B & B use for approval by the Planning Department, #2 a new single car parking pad installed on site off the alley to accommodate the new B & B use. #3 the property must maintain one off street parking space dedicated to the B & B use at all times while the B & B is in operation; and #4 the applicant must obtain a City of Anacortes business license prior to operating the B & B. Commissioner Graf seconded. All Ayes, Motion carries. Adjourned. 6:44pm.

Old Business