



CITY OF SPRING PARK  
PLANNING COMMISSION MINUTES  
DECEMBER 14, 2022 – 6:00 PM  
SPRING PARK CITY HALL

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1. CALL TO ORDER

The meeting was called to order at 6:00p.m.

Planning Chair Hoffman and Commissioners Avalos, Mason, & Homan and were present. Commissioner Terryll was absent.

Staff Present: City Administrator Anderson, City Planner Brixius, Council Member Chase, and City Attorney Murphy

2. APPROVAL OF MINUTES

- a. Planning Commission Minutes from November 9, 2022

*Commissioner Homan motioned, being seconded by Commissioner Avalos, to approve the minutes as presented. On vote being taken, the motion was unanimously approved.*

3. PUBLIC HEARINGS

- a. The Yacht Club Conditional Use Permit – Hotel  
b. The Yacht Club Conditional Use Permit – Restaurant  
c. The Yacht Club Conditional Use Permit – Outdoor Dining

Chair Hoffman advised the audience that the applicant, Kelly Olson, The Yacht Club, and City Planner Brixius were going to conduct presentations on The Yacht Club project. Upon completion of those presentations, he would open the Public Hearing for comment.

The applicant and her representatives recapped the status of the project and reviewed the changes made to address the areas identified as potential concerns - noise, traffic patterns, parking ADA access, etc.

City Planner Brixius provided a summary of the project and his review of the applicant's site plan noting the concerns from the last meeting. He reviewed in detail the changes the applicant has made to their plan to comply with the ordinance requirements and listed his recommendations to be added as requirements under the conditional use permits.

At 6:55pm, Chair Hoffman stated he will soon be opening the public hearing for comments. He stated each conditional use permit will be addressed separately and each person, or their representative, had 3 minutes for comment. He advised that the comments were to only be those that were new and had not already been addressed at prior public hearings or correspondence.

### The Yacht Club Conditional Use Permit – Hotel

*At 6:57pm, Commissioner Mason motioned, being seconded by Commissioner Homan, to open the public hearing for discussion on the hotel conditional use permit. On vote being taken, the motion was unanimously approved.*

An attorney for a tenant, Tonka Capitals, brought forward their concerns regarding parking for the tenants during construction.

The applicant stated they will be allowing tenants to stay through their lease but once the leases were over, they will convert those spaces to hotel rooms. If they need additional parking spots, they will take that into consideration.

Several other tenants or their representatives shared their concerns and complaints about their office space not being allowed to remain at The Yacht Club. It was reiterated several times by Chair Hoffman and the City Attorney that landlord/tenant disputes are not under the City's jurisdiction to resolve and need to be addressed between landlord and tenant. The applicant stated they have advised all tenants they can remain throughout the term of their lease and have offered lease buyouts if they want to terminate before then. The applicant stated no tenants have come forward to accept this offer.

*At 7:23pm, Commissioner Homan motioned, being seconded by Commissioner Mason, to close the public hearing for the conditional use permit for the hotel. On vote being taken, the motion was unanimously approved.*

### The Yacht Club Conditional Use Permit – Restaurant

*At 7:24pm, Commissioner Homan motioned, being seconded by Commissioner Mason, to open the public hearing for discussion on the restaurant conditional use permit. On vote being taken, the motion was unanimously approved.*

The attorney for Tonka Capital Partners, a tenant in The Yacht Club building, brought forward that he believes that his tenant has the same property rights as ownership therefor he should be provided the same quiet enjoyment rights as Edgewater so the noise concern should be the same.

The building owner shared they will have noise monitoring systems in each hotel room and there will be different entrances so that the tenants can access their space without going through the hotel lobby.

Jay Knive, Tonka Capital, tenant at The Yacht Club, stated he has tried to discuss the lease terms and conditions with the building owner, and offered options to mitigate the disruption during construction but they have not responded.

Mark Kozikowski, Edgewater Apartments stated if the project is done right, it will be a benefit to his tenants. He is concerned with the parking for special events such as a wedding, etc. Chair Hoffman reiterated that Special Events like a wedding requires a separate permit from the City. Mark also stated that he had a letter from Noise Aware that states they only do noise systems for short-term rentals and houses, not this type of project.

The building owner clarified the parking and how they will address along with confirmation that the noise monitoring company can handle this type of project.

The building owner's restaurant partner stated that he understood the hardship of a building being sold and losing their lease, his restaurant will bring in 30,000 opportunities for business for them.

*At 7:47pm, Commissioner Mason motioned, being seconded by Commissioner Avalos, to close the public hearing for the conditional use permit for the restaurant. On vote being taken, the motion was unanimously approved.*

#### The Yacht Club Conditional Use Permit – Outdoor Dining

*At 7:47pm, Commissioner Mason motioned, being seconded by Commissioner Homan, to open the public hearing for discussion on the outdoor dining – as an accessory to the restaurant conditional use permit. On vote being taken, the motion was unanimously approved.*

Mark Kozikowski, Edgewater Apartments, brought forward his concerns with the parking. He also brought forward adding a smell scrubber for the restaurant exhaust, and concerns with kitchen staffing, and traffic patterns in and out of the building.

Attorneys for the tenants, the tenants, & employees of tenants brought forward their concerns regarding noise & parking, from the outdoor dining and marina.

The building owner's restaurant partner confirmed the staffing count at the busiest time to be around 23, otherwise 10-12, described the style of the food, and that a scrubbers will be installed in the venting.

The building owner's attorney addressed the noise and parking and cited the code of ordinances for the City stating the thresholds have been met and would apply to any business.

*After no further public comment, at 8:12pm, Chair Hoffman asked for a motion to close the public hearing. Commissioner Homan motioned, being seconded by Commissioner Mason, to close the public hearing. On vote being taken, the motion was unanimously approved.*

At the close of the public hearing, Chair Hoffman explained to the audience that next steps were for the Planning Commission, City Planner, and Staff to discuss the public hearing feedback and incorporate those concerns into the conditional use permits.

City Planner Brixius reviewed the conditions shown in his December 5, 2022, memo to the Planning Commission stating the requirements listed need to be included in the conditional use permits.

Regarding the hotel and restaurant, he stated the applicant needs to submit a phasing plan to show how the existing indoor tenants will remain, a construction phasing plan to show the available parking so it never falls below the Ordinance parking requirements, and add scrubbers for the venting of the restaurant.

Commissioner Avalos brought forward the concern of parking for the marina. Brixius stated the number was established when the C-4 district was created and it was arrived using other marina/yacht club comparisons. Brixius stated he used data from other cities that are like Spring Park, and they were all comparable.

Parking was discussed by the Commission in depth. It was decided the phasing development plan needs to take into consideration all parking requirements per code. They will review to ensure the plan follows the ordinance and addresses the concerns from the public feedback.

The Commission discussed the noise issue and determined that the system being used seems to be better than the first one that was submitted and the applicant needs to follow the Ordinance and conditional use conditions.

After no further discussion, Chair Hoffman asked for motions to:

- *Approve the conditional use permit for hotel use to include the City Planner's recommendations as listed in the December 5, 2022, planning memo and include:*
  - *Item #1 - Phased Parking Plan*
  - *Item #2 - Construction Staging Plan*
  - *Item #3 - Direct staff to draft and transmit these recommendations and information in accordance with city code*

*Commissioner Mason motioned, being seconded by Commissioner Homan, to approve the conditional use permit for hotel use with the conditions listed. On roll call, the motion was unanimously approved.  
Mason – yes, Avalos – yes, Hoffman – yes, Homan – yes.*

- *Approve the conditional use permit for restaurant use to include the City Planner's recommendations as listed in the December 5, 2022, planning memo and include:*
  - *Item #1 - Phased Parking Plan*
  - *Item #2 - Construction Staging Plan*
  - *Item #3 - Scrubbers for Ventilation*
  - *Item #4 - Direct staff to draft and transmit these recommendations and information in accordance with city code.*

*Commissioner Avalos motioned, being seconded by Commissioner Mason, to approve the conditional use permit for restaurant use with the conditions listed. On roll call, the motion was unanimously approved.  
Mason – yes, Avalos – yes, Hoffman – yes, Homan – yes.*

- *Approve the conditional use permit for outdoor dining - accessory to a restaurant use to include the City Planner's recommendations as listed in the December 5, 2022, planning memo and include:*
  - *Item #1 - Direct staff to draft and transmit these recommendations and information in accordance with city code.*

*Commissioner Homan motioned, being seconded by Commissioner Avalos, to approve the conditional use permit for outdoor dining – accessory to a restaurant use with the conditions listed. On roll call, the motion was unanimously approved.*

*Mason – yes, Avalos – yes, Hoffman – yes, Homan – yes.*

#### 4. ORDINANCES

##### a. THC Ordinance Review and Recommendation

The Planning Commission reviewed the draft THC ordinance with red-lined changes noted from the prior meeting. City Administrator Anderson stated the Ordinance was also reviewed and approved by the City Attorney who advised he amended the definition of the THC product. Discussion was had.

*Chair Hoffman motioned, being seconded by Commissioner Mason, to recommend to City Council to approve Ordinance 2022-xx as amended by the City Attorney and to include the language “trace amounts”. On vote being taken, the motion was unanimously approved.*

5. MISCELLANEOUS

Chair Hoffman advised Commissioner Mason that the company who previously made the shirts and sweatshirts for the City has been located, they were contacted and confirmed they still have our logo. No pricing or details yet but will advise once we hear back from the vendor/company.

6. ADJOURNMENT

*After no further discussion, Chair Hoffman motioned, being seconded by Commissioner Mason, to adjourn the meeting at 9:34pm. On vote being taken, the motion was unanimously approved.*