

**Planning Commission Hearing**

**Minutes**

**July 12, 2010**

<b>PC MEMBERS</b>	<b>PC MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>
<b>Alderman Russell</b>	<b>Meta Nash</b>	<b>Joe Adkins, Deputy Director for Planning</b>
<b>Billy Shreve</b>	<b>Steve Stoyke</b>	<b>Gabrielle Dunn, Division Manager of Current Planning</b>
<b>Josh Bokee</b>		<b>Nick Colonna, Comprehensive Planner</b>
<b>Gary Brooks</b>		<b>Jeff Love, City Planner</b>
		<b>Devon Hahn, City Traffic Engineer</b>
		<b>Scott Waxter, Assistant City Attorney</b>
		<b>Carreanne Eyler, Administrative Assistant</b>

**•I. Announcements:**

**II. Approval of Minutes:**

Approval of the **June 14, 2010** Planning Commission Minutes as amended:

**MOTION: Commissioner Shreve.**

**SECOND: Commissioner Brooks.**

**VOTE: 4-0.**

Approval of the June 21, 2010 Workshop Minutes as amended:

**MOTION:** Commissioner Shreve.

**SECOND:** Alderman Russell.

**VOTE:** 4-0.

Approval of the July 9, 2010 Planning Commission Minutes as amended:

**MOTION:** Commissioner Brooks.

**SECOND:** Commissioner Shreve.

**VOTE:** 4-0.

### **III. Public Hearing-Swearing In:**

*"Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth." If so, answer "I do".*

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### **•IV. Public Hearing-Consent Items:**

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(All matters included under the Consent Agenda are considered to be routine by the Planning Commission. They will be enacted by one motion in the form listed below, without separate discussion of each item, unless any person present - Planning Commissioner, Planning Staff or citizen -- requests an item or items to be removed from the Consent Agenda. Any item removed from the Consent Agenda will be considered separately at the end of the Consent Agenda. If you would like any of the items below considered separately, please say so when the Planning Commission Chairman announces the Consent Agenda.)

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•V. **Miscellaneous:**

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•A. **East Frederick Rising Update**

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Mr. Colonna entered the entire staff report into the record. He stated that the purpose of this presentation is to update the Planning Commission on the status of the East Frederick Small Area Vision Document. The East Frederick planning area is comprised of approximately 1,800 acres consisting of farms, vacant lots, strip development and industrial uses. This area is bounded by 14<sup>th</sup> Street on the north, Interstate 70 to the south, Frederick Airport on the east and Carroll Street on the west.

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•B. **Golden Mile Small Area Plan Update**

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Mr. Adkins entered the entire staff report into the record. He stated that the purpose of this presentation is to update the Planning Commission on the progress of the Golden Mile Small Area Plan. The Golden Mile planning area is a 2 mile long corridor with a variety of uses. Mr. Adkins announced that a second public meeting will be held likely in August.

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•VI. **Old Business:**

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C. **PC08-249FSI, BOE Central Office Building**

**INTRODUCTION OF CASE BY THE PLANNING STAFF:**

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Mrs. Dunn entered the entire staff report into the record. She stated that the Applicant is requesting approval of an amendment to a previously issued condition of approval established by the Planning Commission on September 8, 2008.

**INITIAL PLANNING STAFF RECOMMENDATION:**

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Staff recommends approval of the amendment to previously issued condition of approval with the condition that the final site plan be amended to reflect the language of the new note as indicated in the staff report.

**PLANNING COMMISSION QUESTIONING OF STAFF:**

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There was no questioning of staff from the Planning Commission.

**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

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Mr. Jim Schmerschal, FCPS, concurred with the staff report.

**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

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There was no questioning of the petitioner/applicant from the Planning Commission.

**PUBLIC COMMENT:**

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There was no public comment.

**PETITIONER REBUTTAL:**

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There was no petitioner rebuttal.

**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

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There was no discussion or questions for staff from the Planning Commission.

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**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

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There were no restatements/revisions from planning staff.

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**PLANNING COMMISSION ACTION:**

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**MOTION:** Commissioner Shreve made a motion for PC08-249FSI to change the note on the final site plan to the note on page 3, paragraph 1 of the staff report which states "Prior to issuance of a Certificate of Use and Occupancy for this structure, the

Board of Education must execute an agreement with the City of Frederick providing Frederick County Public Schools perpetual rights to required spaces that are in compliance with the requirements of Section 607 (c) (5) of the Land Management Code. That agreement must provide for spaces that are available for use by the Board of Education at the time of occupancy."

**SECOND:** Alderman Russell.

**VOTE:** 4-0.

**D. PC08-03FSI, Final Site Plan, Homewood Phase I**

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**INTRODUCTION OF CASE BY THE PLANNING STAFF:**

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Mrs. Dunn entered the entire staff report into the record. She stated that the Applicant is requesting a one-year extension of the final site plan approval for Phase 1 of the Homewood at Willow Ponds project, in accordance with LMC Section 309(j).

**INITIAL PLANNING STAFF RECOMMENDATION:**

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Staff recommends a one-year extension of the Final Site Plan PC08-03FSI approval for a new deadline of August 10, 2011 with the following conditions to be met:

- 1. Add to Note 9 a declaration of no wetlands within the Phase 1 project area or provide wetland study and show wetland buffers.
- 2. Obtain approval from the Mayor and Board of Aldermen for the fee to be paid in lieu of parkland dedication

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**PLANNING COMMISSION QUESTIONING OF STAFF:**

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There was no questioning of staff from the Planning Commission.

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**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

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Mr. Andrew DiPasquale, Miles & Stockbridge, concurred with the staff report.

**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

There was no questioning of the petitioner/applicant from the Planning Commission.

**PUBLIC COMMENT:**

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There was no public comment.

**PETITIONER REBUTTAL:**

There was no petitioner rebuttal.

**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

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There was no discussion or questions for staff from the Planning Commission.

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**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

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There was no restatements/revisions from planning staff.

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**PLANNING COMMISSION ACTION:**

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**MOTION:** Commissioner Shreve made a motion to give Homewood a 1 year extension for final site plan PC08-03FSI with the new deadline of August 10, 2011 with the following conditions to be met 1) add to note 9 a declaration of no wetlands within the Phase I project area or provide wetland study and show wetland buffers 2) obtain approval from the Mayor & Board of Aldermen for the fee to be paid in lieu of parkland dedication.

**SECOND:** Alderman Russell.

**VOTE:** 4-0.

**•VII. New Business:**

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**E. PC10-119FSU, Final Subdivision Plat, Dairy Maid Consolidation**

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## **INTRODUCTION OF CASE BY THE PLANNING STAFF:**

Mrs. Dunn entered the entire staff report into the record. She stated that the Applicant is requesting approval of a final plat to consolidate nine (9) parcels, totaling 5.9 acres, surrounding the Dairy Maid Dairy factory, as a requirement of their previous site plan approval (PC07-578FSI).

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## **INITIAL PLANNING STAFF RECOMMENDATION:**

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Staff recommends approval of the final consolidation plat PC10-119FSU for Dairy Maid Dairy, with the following conditions to be met:

Less than 60 days conditions:

- 1. Edit Note #9 to read "The buildings and structures shown in the reservation area as described on this plat shall remain and be included in any compensation to be paid to the property owner in the event of condemnation provided that such buildings and structures still exist upon condemnation. No new structures shall be permitted in the reservation area as described on this plat."
- 2. Correct typo in Note #4 to Parcel 2140A.
- 3. Update revision block.
- 4. Add note to plat to reference the ZBA (case BZA00-6V) and the Zoning Administrator approvals for the reduced front setback.

More than 60 days and less than one year conditions:

- 1. Execute and record storm water access and inspection easement and reference agreement on drawing.

## **PLANNING COMMISSION QUESTIONING OF STAFF:**

There was no questioning of staff from Planning Commission.

**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

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Mr. Scott Miller, Weinberg & Miller, concurred with the staff report.

**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

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There was no questioning of the petitioner/applicant from the Planning Commission.

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**PUBLIC COMMENT:**

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There was no public comment.

**PETITIONER REBUTTAL:**

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There was no petitioner rebuttal.

**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

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There was no discussion or questions for staff from the Planning Commission.

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**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

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There were no restatements/revisions from planning staff.

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**PLANNING COMMISSION ACTION:**

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**MOTION:** Commissioner Shreve made a motion to approve final consolidation plat PC10-119FSU for Dairy Maid Dairy with the following conditions to be met in less than 60 days as read into the record by staff, numbers 1 through 4 and more than 60 days and less than 1 year, the 1 condition as read into the record by staff.

**SECOND:** Alderman Russell.

**VOTE:** 4-0.

**F. PC10-130FSU, Final Subdivision Plat, Canterbury Station Lot 202**

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**INTRODUCTION OF CASE BY THE PLANNING STAFF:**

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Mrs. Dunn entered the entire staff report into the record. She stated that the Applicant is requesting approval of a final plat to subdivide Lot 3 of the Canterbury Station project into two lots- Lot 202 and Lot 3R- in order to transfer the ownership of the land surrounding the Banner School.

The Applicant is also requesting a modification to the minimum road frontage requirements for Lot 202 per Section 606(b) (2) of the Land Management Code (LMC).

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**INITIAL PLANNING STAFF RECOMMENDATION:**

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Staff recommends approval of the requested modification to the requirement for road frontage under Section 606(b)(2) for Lot 202, based on the provision of an access easement to the lot and the fact that the use is existing and that subdividing the property is not increasing or expanding the impacts of this use on the existing roadways.

Staff recommends approval of the final subdivision plat PC10-130FSU for Canterbury Station for Lots 3R and 202, with the following conditions:

To be met in greater than 60 days and less than one year:

- 1) The access agreement for Lot 202 must be executed and the recording reference added to the plat.
- 2) The water and sewer easements must be recorded prior to plat recordation.

**PLANNING COMMISSION QUESTIONING OF STAFF:**

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There was no questioning of staff from the Planning Commission.

**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

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Mr. Scott Miller, Weinberg & Miller stated that as explained in the staff report, this is to create the Banner School lot and that the Applicant would like to do that without building Canterbury Station Boulevard. He added that they respectfully request the Planning Commissions approval for the modification and the plat.

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**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

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There was no questioning of petitioner/applicant from the Planning Commission.

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**PUBLIC COMMENT:**

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There was no public comment.

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**PETITIONER REBUTTAL:**

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There was no petitioner rebuttal.

**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

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There was no discussion or questions for staff from the Planning Commission.

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**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

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There were no restatements/revisions from the planning staff.

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**PLANNING COMMISSION ACTION FOR MODIFICATION FOR ROAD FRONTAGE:**

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**MOTION:** Commissioner Shreve made a motion to approve modification for PC10-130FSU to the requirement for road frontage under Section 606 (b) (2) for Lot 202, based on the provision of an access easement to the lot and the fact that the use is existing and that subdividing the property is not increasing or expanding the impacts of this use on the existing roads ways.

**SECOND:** Commissioner Brooks.

**VOTE:** 4-0.

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**PLANNING COMMISSION ACTION FOR PC10-130FSU:**

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**MOTION:** Commissioner Shreve motioned to approve final subdivision plat PC10-130FSU for Canterbury Station for Lots 3R and 202, with the following conditions to be met in greater than 60 days and less than 1 year, number 1 & 2 as read into the record by staff.

**SECOND:** Commissioner Brooks.

**VOTE:** 4-0.

## **G. PC10-144PCM, Fence Modification, 201 W. 5<sup>th</sup> Street**

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### **INTRODUCTION OF CASE BY THE PLANNING STAFF:**

Mr. Love entered the entire staff report into the record. He stated that the subject property is located at 201 W. 5<sup>th</sup> Street, just west of N. Bentz Street. The zoning for the property is R12, High Density Residential. The proposal is to construct a fence that exceeds the height restrictions for a reversed corner lot per Section 821(b)(3)(C) of the Land Management Code (LMC).

The subject property is a corner lot which is considered to have a front yard along both W. 5<sup>th</sup> Street and N. Bentz Street. Fencing is only permitted in the "secondary" front yard of a corner lot - in this case along N. Bentz Street- provided that:

- 1) The fence is no higher than 2 ½ feet in height or less within the sight distance triangle area of any adjoining driveway, alley, or street;
- 2) The fence is constructed at least one-quarter of the building depth back from the face of the building; and
- 3) In the case of reversed corner lots, the fencing cannot exceed four (4) feet in height when the subject lot shares a property line with a residential lot that fronts along the roadway considered to be the reversed corner lots secondary frontage.

This lot is considered a "reversed corner lot" because the house which adjoins this property at 507 N. Bentz Street actually fronts on Bentz Street. In all other cases, the maximum permitted height of fences in residential zoning districts is 6'. Should the Applicant wish to construct a fence exceeding 4' it would have to be setback from the

property line on N. Bentz Street at least 10'- the minimum required front setback- unless modified by the Planning Commission.

Included with the summary is the application packet submitted with drawings and supplemental material. The proposal is a 5' white wooden or vinyl stockade fence that is proposed to run along the property line of the secondary frontage on N. Bentz Street.

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**INITIAL PLANNING STAFF RECOMMENDATION:**

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Staff recommended unconditional approval of fence modification PC10-144PCM.

**PLANNING COMMISSION QUESTIONING OF STAFF:**

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There was no questioning of staff from the Planning Commission.

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**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

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Ms. Margaret Balderson concurred with the staff report and stated that she wanted the fence for added privacy.

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**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

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There was no questioning of petitioner/applicant from the Planning Commission.



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**PUBLIC COMMENT:**

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There was no public comment.

**PETITIONER REBUTTAL:**

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There was no petitioner rebuttal.

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**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

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There was no discussion or questions for staff from the Planning Commission.

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**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

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There were no restatements/revisions from the Planning staff.

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**PLANNING COMMISSION ACTION:**

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**MOTION:** Commissioner Shreve made a motion for the unconditional approval of modification PC10-144PCM for the construction of a 5 ft fence in the secondary frontage of the reverse corner lot located at 201 W. 5<sup>th</sup> Street based on the compliance with the modification criteria established under Section 309 (m) and Section 821 of the LMC, the reason being as staff stated on pages 3,4, and 5 of the staff report and read into the record.

**SECOND:** Commissioner Brooks.

**VOTE:** 4-0.

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**H. PC10-54FSI, Final Site Plan, Clover Ridge Private Pool & Bath House**

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**INTRODUCTION OF CASE BY THE PLANNING STAFF:**

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Mr. Love entered the entire staff report into the record. He stated that the Applicant is requesting final site plan approval to construct a bath house and pool area to serve the residents of the Clover Ridge Subdivision.

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**INITIAL PLANNING STAFF RECOMMENDATION:**

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Staff recommends approval of a modification to the parking requirement per Table 14.04 as all of the residences in the subdivision are within a ½ mile distance from the subject parcel.

Staff recommended approval of the final site plan PC10-54FSI with the following conditions:

To be met in less than 60 days:

- 1) Update note #14 with the approval date of the modification to the parking requirement.
- 2) Revise the height of the freestanding light to 15' in note #5 and the lighting plan.

**PLANNING COMMISSION QUESTIONING OF STAFF:**

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Commissioner Shreve asked how many lights were removed.

Mr. Love responded that the Applicant removed all of the freestanding lights except for one and that the single light will be increased in height from 10 feet to 15 feet.

**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

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Mr. Jeremy Holder, Ausherman Development stated that he concurred with the staff.

**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

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There was no questioning of petitioner/applicant from the Planning Commission.

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**PUBLIC COMMENT:**

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There was no public comment.

**PETITIONER REBUTTAL:**

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There was no petitioner rebuttal.

**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

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There was no discussion or questions for staff from the Planning Commission.

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**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

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Staff recommends approval of a modification to the parking requirement per Table 14.04 as all of the residences in the subdivision are within a ½ mile distance from the subject parcel.

Staff recommends approval of the final site plan PC10-54FSI with the following conditions:

- 1) Update note # 14 with the approval dated of the modification to the parking requirement
- 2) Revise the height of the freestanding light to 15' in note #5 and the lighting plan.

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**PLANNING COMMISSION ACTION FOR MODIFICATION TO THE  
PARKING REQUIREMENT PER TABLE 14.04:**

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**MOTION:** Commissioner Shreve made a motion to approve the modification to the parking requirement per Table 14.04 as all of the residences in the subdivision are within a ½ distance from the subject parcel.

**SECOND:** Commissioner Brooks.

**VOTE:** 4-0.

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**PLANNING COMMISSION ACTION:**

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**MOTION:** Commissioner Shreve made a motion to approve final site plan PC 10-54FSI with the following conditions 1) update note # 14 with the approval date of the modification to the parking requirement 2) update note # 5 to revise height of free standing light from 10 feet to 15 feet and revise the lighting plan.

**SECOND:** Commissioner Brooks.

**VOTE:** 4-0.

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**I. PC10-56FSI, Final Site Plan, Frederick County Bank**

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**INTRODUCTION OF CASE BY THE PLANNING STAFF:**

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Mr. Love entered the entire staff report into the record. He stated that the Applicant is requesting final site plan approval to construct a 3,462 sq. ft. bank with three (3) drive-through lanes. The property is located at 103 Monocacy Boulevard on the corner of Bucheimer Road and Monocacy Boulevard

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**INITIAL PLANNING STAFF RECOMMENDATION:**

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Staff recommended approval of the final site plan PC10-56FSI with the following conditions:

To be met in greater than 60 days:

- 1) Receive approval and record a revised final plat to eliminate the cross access easement off of Bucheimer Road.
- 2) Receive full approval of the CAPF-R and revise Note #10 with the approval information.

**PLANNING COMMISSION QUESTIONING OF STAFF:**

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There was no questioning of staff from the Planning Commission.

**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

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Mr. Dave Lingg, Lingg Property Consulting concurred with the staff report and the two conditions presented by staff and requested approval.

**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

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There was no questioning of petitioner/applicant from the Planning Commission.

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**PUBLIC COMMENT:**

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There was no public comment.

**PETITIONER REBUTTAL:**

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There was no petitioner rebuttal.

**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

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Alderman Russell wanted to know if engineering staff had any comments in regards to the traffic for this case.

Mrs. Devon Hahn, City Traffic Engineer, stated that she knows that this one is a little unusual and the traffic study is not finished and we don't have a more final APFO but, have been working with the applicant's traffic consultant and have found a few minor issues that can be ironed out amongst staff.

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**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

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There were no restatements/revisions from the planning staff.

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**PLANNING COMMISSION ACTION:**

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**MOTION:** Commissioner Shreve recommended approval of final site plan PC10-56FSI with the conditions to be met in greater than 60 days and less than 1 year, the 2 conditions read into the record by staff.

**SECOND:** Commissioner Brooks.

**VOTE:** 4-0.

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**J. PC10-181MXE, Signage and Pathway Amendments, Riverside Corporate Park**

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**INTRODUCTION OF CASE BY THE PLANNING STAFF:**

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Mrs. Dunn entered the entire staff report into the record. She stated that the Applicant is requesting approval of a revision to the Master Plan for the Riverside Corporate Park MXE (Sanner Property) for the purposes of introducing a signage package and requesting changes in the recreational path locations, size, and materials.

The Applicant requests signage modifications as permitted specifically under the MXE regulations of Section 418(1)(4) to cover:



- Section 864(e)(1) that no sign other than an official traffic-related sign shall be located within or project into a public right-of-way;
- Table 864-1 that regulates height and area in the MXE;
- Section 864(l) that limits height; and
- Section 864(f) that limits height.

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### **INITIAL PLANNING STAFF RECOMMENDATION:**

Staff recommends approval for modifications to Sections 864(e)(1), Table 864-1, Section 864(l) and Section 864(f) as permitted under MXE Section 418(l)(4) to address height, sign area, location and number of signs.

Staff recommends approval of the sign package for the East Campus- Sanner Property.

Staff recommends approval of the PC10-181MXE Riverside Corporate Park - Execution Plan with the following conditions to be met:

Less than 60 days:

- 1. Show path connection for 256R as approved per Site Plan PC07-754FSI.
- 2. Verify the approximate 1.5-acre difference in the Commercial acreage in the Land Use Table and sum of the Commercial properties on the plan is due to possibly ROW dedicated. Verify and update acreage of the Commercial Lots to correspond with the Land Use Table.
- 3. Remove path symbols that are on the Lot 402 and along the private access drive.
- 4. With respect to the subject plan approvals, the Signage/Entrance Features note shall be completed for signage package and modifications.

- 5. Change Lots 301A and 301B entrance label from proposed to existing.

Greater than 60 days and within one year:

- 1. Update MXE Execution Plan to reflect the PC10-184PFC Preliminary Forest Conservation Plan approval and conditions.
- 2. Obtain FAA approval of the applicable signage within the AO and add note providing the approval date.
- 3. Obtain Mayor and Board approval of the signage in the right-of-way and complete the respective note.
- 4. Execute and record required encroachment easement agreements for the signage in the right-of-ways and complete the respective note.

**PLANNING COMMISSION QUESTIONING OF STAFF:**

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There was no questioning of staff from the Planning Commission.

**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

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Mr. Chris Smariga, Harris, Smariga stated that they concur with the staff report

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**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

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Commissioner Brooks commented that he feels this is a very smart design and is happy that the applicant has chose Frederick City to develop this.

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**PUBLIC COMMENT:**

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There was no public comment.

**PETITIONER REBUTTAL:**

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There was no petitioner rebuttal.

**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

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Alderman Russell stated that she agreed with what Commissioner Brooks had said and feels this project is great.

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**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

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There were no restatements/revisions from the planning staff.

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**PLANNING COMMISSION ACTION PER SECTION 418 (1) (4):**

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**MOTION:** Commissioner Shreve made a motion to approve the two modifications as read into the record by staff based on the authority granted to the Planning Commission under Section 418 (1)(4) and the findings that the proposed signage package serves to foster a common theme throughout the MXE and provides for amenities within the MXE.

**SECOND:** Commissioner Brooks.

**VOTE:** 4-0.

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**PLANNING COMMISSION ACTION SIGNAGE PACKAGE:**

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**MOTION:** Based on the approved modifications, Commissioner Shreve made a motion to approve the proposed signage package.

**SECOND:** Commissioner Brooks.

**VOTE:** 4-0.

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**PLANNING COMMISSION ACTION PC10-181MXE:**

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**MOTION:** Commissioner Shreve made a motion to approve the conditions for PC10-181MXE to be met in less than 60 days, numbers 1 through 5, as read into the record by staff and to be met in greater than 60 days and less than 1 year, numbers 1 through 3, as read into the record by staff.

**SECOND:** Commissioner Brooks.

**VOTE:** 4-0.

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**K. PC10-184PFC, Preliminary Forest Conservation Plan, Riverside Corporate Park**

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**INTRODUCTION OF CASE BY THE PLANNING STAFF:**

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Mrs. Dunn entered the entire staff report into the record. She stated that the applicant seeks approval of a revised Preliminary Forest Conservation Plan for the Sanner Property as part of the Riverside Corporate Park.

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**INITIAL PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of PC10-184FPC for the Riverside Corporate Park-Sanner Property with conditions to be met:

Less than 60 days:

- 6. Verify the width of the landscape credit area along the west property line of Lot 410 and correct to 35 feet at minimum.
- 7. Edit Legend note for wood mulch and mown grass paths to read: Proposed temporary/permanent wood mulch and mown grass paths. Elimination of paths as shown on this plan not subject to City review. Any new paths of this type requires at minimum staff level review.
- 8. Match proposed temporary/permanent wood mulch and mown grass path symbol on drawing to legend symbol.
- 9. Edit General Note #8.A.2 to read: *Dead or dying trees may only be removed if trees pose an immediate safety hazard. To be confirmed by the City Arborist prior to removal.*
- 10. Add table to plan listing the four (4) specimen trees and include size and health condition.
- 11. Turn on path to show on Sheets 2 and 3.

- 12. Sheet 2, it appears the legend symbols do not agree with planting patterns on the plan. To be corrected, if necessary.
- 13. Continue protection signage and fence along the 7.35 acres of future afforestation.

Greater than 60 days but within one year:

- 1. Abandon or revise existing stockpile easement on Lot 410 to reflect 100' setback from proposed landscape/forest area on the plan.
- 2. Edit plan to remove the forest conservation area within the AP easement and correct protection easement agreements, if required by AP.
- 3. Add note to be completed: FAA approved the plantings for the Landscape Credit area on \_\_\_\_\_.

**PLANNING COMMISSION QUESTIONING OF STAFF:**

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There was no questioning of staff from the Planning Commission.

**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

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Mr. Chris Smargia, Harris, Smariga, stated that he concurred with the staff report and knew they would have to move forward in the future and that is why they were at the Planning Commission hearing.

**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

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There was no questioning of petitioner/applicant from the Planning Commission.

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**PUBLIC COMMENT:**

-

There was no public comment.

**PETITIONER REBUTTAL:**

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There was no petitioner rebuttal.

**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

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There was no discussion or questions for staff from the Planning Commission.

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**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

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There were no restatements/revisions from the planning staff.

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**PLANNING COMMISSION ACTION:**

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**MOTION:** Commissioner Shreve made a motion to approve PC10-184FPC for Riverside Corporate Park-Sanner Property with conditions to be met in less than 60

days, numbers 1-8 as read into the record by staff, and greater than 60 days and less than 1 year, numbers 1 through 3 as read into the record by staff.

**SECOND:** Commissioner Brooks.

**VOTE:** 4-0.

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**L. PC10-174ZTA, Zoning Text Amendment, Indoor Recreation Complex**

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**INTRODUCTION OF CASE BY THE PLANNING STAFF:**

Mrs. Dunn entered the entire staff report into the record. She stated that the Applicant is requesting amendments to Section 404, "Use Regulations" and Section 1002, "Definitions" of the Land Management Code (LMC) in order to introduce a new use category entitled "Indoor Recreation Complex" and to establish the zoning districts in which the use is permitted.

This is the first of two required public hearings.

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**INITIAL PLANNING STAFF RECOMMENDATION:**

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This is the first of two required public hearings and as such, a recommendation is not required at this time, however, Staff is requesting the Commission's feedback as to any specific questions or concerns.

**PLANNING COMMISSION QUESTIONING OF STAFF:**



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There was no questioning of staff from the Planning Commission.

**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

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Ashley Mancinelli, Severn. O'Connor & Kresslein stated that they agree with all of staff's proposals. She added that she revised the language in the PC packets to add parking requirements and what is being proposed is what is currently in the LMC for an indoor sports complex. She stated they would like any feedback from the Planning Commission regarding this.

**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

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There was no questioning of petitioner/applicant from the Planning Commission.

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**PUBLIC COMMENT:**

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There was no public comment.

**PETITIONER REBUTTAL:**

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There was no petitioner rebuttal.

## **PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

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Commissioner Shreve stated that he feels that that the 1 in 10 parking requirement for bicycles is high and thinks it seems to be a constant theme throughout the LMC and it should be looked at. He added that he would like to see this also in light industrial and he thinks it makes sense because it is a shared use and not being used at the same time as other industrial uses.

Commissioner Brooks asked the applicant if they would consider putting M1 in their proposal.

Ashley Mancinelli stated yes and that it was in the original proposal but removed because of the discussions with staff. She added that they would support putting M1 in and can revise the language to show it before the next hearing.

Alderman Russell stated that she had raised some concerns about the light industrial and that she would need further information to consider that proposal. She added that she has concerns with conflicts between industrial equipment and people going in and out. As far as the bicycle parking she was please to hear it suggested to be 1 in 10 cars.

Mrs. Dunn added that bike parking was adopted at a rate of 1/10 across the board for all uses in the LMC and that there was not a lot of consideration given to the fact it might not be appropriate in some instances. In regards to the M1 district it can vary incredibly. There could be an area totally zoned M1 that doesn't seem industrial at all for example an area with a lot of flex space, a lot of office and this may be a very compatible use there and there may not be any conflicts, but on the other hand, M1 permits some fairly light industrial activity.

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## **RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

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There were no restatements/revisions from the planning staff.

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**PLANNING COMMISSION ACTION:**

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This is the first of two hearings so no vote was taken.

**Meeting adjourned at 8:04 P.M.**

Respectfully Submitted,

Carreanne Eyer

Administrative Assistant