

**Planning Commission Hearing Minutes  
September 15, 2015**

<b>PC MEMBERS</b>	<b>PC MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>
Alderman Russell Barbara Nicklas Andrew Brown Arlene Perkins	Kate McConnell	Gabrielle Collard -Division Manager for Current Planning Scott Waxter- Assistant City Attorney Christina Martinkosky – HPC Planner Devon Hahn – City Traffic Engineer Carreanne Eyer – Administrative Assistant

**I. ANNOUNCEMENTS:**

Ms. Collard stated that the Planning Commission Workshop will be held on Monday, September 21, 2015 for those who would like to join and take interest in projects discussed.

---

Approval of the **August 10, 2015** Planning Commission Meeting Minutes as published:

**MOTION:** Commissioner Perkins.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

---

Approval of the **August 17, 2015** Planning Commission Workshop Minutes as published:

**MOTION:** Commissioner Nicklas.

**SECOND:** Alderman Russell.

**VOTE:** 3-1. (Commissioner Perkins abstained.)

---

Approval of the **September 11, 2015** Pre-Planning Commission Meeting Minutes as published:

**MOTION:** Commissioner Perkins.

**SECOND:** Commissioner Nicklas.

**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”.*

**IV. PUBLIC HEARING-CONSENT ITEMS:**

(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.)

**A. PC15-567FSU, Final Subdivision Plat, Zimmerman @ Baker Park and Allan L & Wendy Levy, Trustees**

**Planning Commission Action:**

**MOTION:** Commissioner Nicklas moved for unconditional approval of final subdivision plat PC15-567FSU, Zimmerman at Baker Park and Allan L & Wendy Levy Trustees.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

---

**V. CONTINUANCES:**

**B. PC15-389FSI, Final Site Plan, Tranquility at Fredericktowne**

**Planning Commission Action:**

**MOTION:** Commissioner Perkins moved to continue PC15-389FSI, Tranquility at Fredericktowne to the October 12, 2015 Planning Commission Hearing.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

---

Commissioner Brown recused himself from this case.

**C. PC15-120PND, Master Plan, The Preserve at Tuscarora**

**Planning Commission Action:**

**MOTION:** Commissioner Perkins moved to continue PC15-120PND, Preserve at Tuscarora to the October 12, 2015 Planning Commission Hearing.

**SECOND:** Commissioner Nicklas.

**VOTE:** 3-0.

---

**VI. NEW BUSINESS:**

**D. PC15-454FSU, Final Subdivision Plat, Linden Hills Lots 7-9**

Ms. Collard entered the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action Deferral of Road Frontage Improvements:**

**MOTION:** Commissioner Nicklas moved for a positive recommendation for the deferral of the required road frontage improvements along Chestnut Street finding that it is not reasonable to require such improvements at this time based on the topographical conditions and existing improvements. Further recommending that the improvements be provided at such time 1) the remainder of properties along the same side of Chestnut Street between Linden Avenue and Locust Street install sidewalk or 2) until such time as the owner of Lot 9A, 108 Linden Avenue, requests approval of further subdivision activity and or otherwise required in accordance with Section 22-23.

**SECOND:** Commissioner Perkins.

VOTE: 4-0.

---

**Planning Commission Action PC15-454FSU:**

**MOTION:** Commissioner Nicklas moved for unconditional approval for PC15-454FSU, Lots 7A & 9A, Block C, Linden Hills Subdivision.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

---

**E. PC15-402FSI, Final Site Plan, Industrial Center East, Lot 338**

Ms. Collard entered the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action:**

**MOTION:** Commissioner Perkins moved to approve final site plan PC15-402FSI, Industrial Center East Lot 338 finding that it complies with all applicable sections of the LMC and subject to the two conditions as read into the record by staff.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

---

**F. PC15-403FSCB, Combined Forest Stand Delineation/Preliminary Forest Conservation Plan, Industrial Center East, Lot 338**

Ms. Collard entered the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action:**

**MOTION:** Commissioner Nicklas moved for unconditional approval of PC15-403FSCB, finding that it complies with the requirements of Section 721 of the LMC, *Forest Conservation*.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

---

**G. PC15-558ZTA, Text Amendment, Section 301, Notice Provisions**

Ms. Martinkosky read the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action:**

**MOTION:** Commissioner Perkins moved for a favorable recommendation to the Mayor and Board of Aldermen to amend the public notice requirements for review of projects within the HPO from ten (10) days to seven (7) days.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

---

**H. PC15-559ZTA, Text Amendment, Section 423, HPO Designation Criteria**

Ms. Martinkosky read the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action:**

**MOTION:** Commissioner Nicklas moved for a positive recommendation for the amendments as proposed to the Mayor and Board of Aldermen.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

---

**I. PC15-559ZTA, Text Amendment, Section 423, HPO Designation Criteria**

Ms. Dunn read the entire staff report into the record. There was public comment on this item.

Andrew DiPasquale of 1 West Church Street stated he would like the Planning Commission to take additional time to allow for additional conversations. He feels that the particular language as it exists right now and in this context does not coincide well with how we are trying to accommodate the current interest. He fully supports the appropriation of funds that have been gathered to date and future funds, however his concern lies in the ability of this particular amendment to withstand a future challenge if there are people concerned about the nexus requirement associated with taking funds and applying them in a regional context.

In response to the concerns expressed, the Commission discussed the need to evaluate the requirements of Section 608 more comprehensively and directed Staff to prepare a letter to the Mayor and Board expressing this interest to forward along with the resolution of recommendation for the proposed text amendments.

**Planning Commission Action:**

**MOTION:** Commissioner Nicklas moved for a positive recommendation for the amendments to Section 608 of the LMC as provided in the draft ordinance.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

---

**Meeting adjourned approximately 6:55 p.m.**

Respectfully Submitted,

Carreanne Eyler  
Administrative Assistant