

Planning Commission Hearing Minutes
DATE: May 14, 2018

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair	Katie Isaac	Gabrielle Collard, Division Manager of Current Planning
Arlene Perkins – Vice Chair		Cherian Eapen, Traffic Engineer
Kelly Russell – Alderman & Secretary		Rachel Depo, Assistant City Attorney
Ron Burns		Scott Waxter, Assistant City Attorney
Alan Imhoff – Alternate		Marshall Brown, City Planner
		Jessica Murphy, Administrative Assistant

I. ANNOUNCEMENTS:

Ms. Collard made the following announcements about upcoming events and opportunities:

- Bike to Work Day on May 18th 6:30-8am
- The Workshop Agenda with attachments are available online for the workshop scheduled for Monday May 21, 2018 at 2pm in the Municipal Annex Building.
- DRC deadline will be Tuesday May 29, 2018 due to the City being closed for Memorial Day on Monday May 28th.

II. APPROVAL OF MINUTES:

Approval of the **April 9, 2018** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Perkins

SECOND: Commissioner Imhoff

VOTE: 5-0.

Approval of the **April 16, 2018** Planning Commission Workshop Minutes as amended:

MOTION: Commissioner Perkins

SECOND: Commissioner Imhoff

VOTE: 5-0.

Approval of the **May 11, 2018** Pre-Planning Commission Minutes as amended:

MOTION: Commissioner Perkins

SECOND: Commissioner Imhoff

VOTE: 5-0.

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.)

V. CONTINUANCES:

None

VI. MISCELLENEOUS:

A. PC18-274PCM, Fence Modification, 1481 Key Parkway West

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve the fence modification, based on the findings that the modification requested is:

In accordance with Section 309(j):

1. The modification will not be contrary to the purpose and intent of the Code;
2. The modification is consistent with the Comprehensive Plan; and
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement.

And in accordance with Section 821(d):

1. The proposed fence, wall, or hedge complies with the sight triangle provision outlined in Section 611(t);
2. The proposed fence, wall or hedge is consistent with the scale and design of the surrounding community; and

3. The proposed fence, wall, or hedge does not adversely impact the use and enjoyment of other properties in the immediate vicinity.

SECOND: Commissioner Imhoff

VOTE: 5-0

VII. OLD BUSINESS:

B. PC18-188ZMA, Zoning Map Amendment, 5 Linden Avenue

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to send a positive resolution Planning Commission to the Mayor and Board of Aldermen for application PC18-188ZMA based on the findings that the request to rezone the Property to R6 while maintaining the HNO is consistent with the Comprehensive Plan and that a mistake in the rezoning of the residential property from R-3 to General Commercial (GC) was made during the 2005 and 2013 Comprehensive Rezoning's based on the findings that;

1. That there will be no increase in population as a direct result of the rezoning as the Property is already improved with a single-family, detached dwelling unit.
2. That the rezoning will reflect the current use of the Property and there will be no increase in demand on public facilities.
3. That the rezoning will reflect the current use of the Property and there will be no impacts on present or future transportation patterns or needs.
4. That the rezoning will be consistent with the existing and proposed development in the area.
5. That the amendment is consistent with the policies of the 2010 Comprehensive Plan; and

SECOND: Commissioner Imhoff

VOTE: 5-0

C. PC17-576ZTA, Text Amendment, Section 864, Sign Regulations

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 a recommendation from the Planning Commission to the Mayor and Board of Aldermen for the amendments to Sections 605, 803, 864, 904, and 1002 of the Land Management Code (LCM) as proposed in the draft ordinance finding that they are consistent with the other regulations of the Land Management Code and that the changes implement goals of the 2010 Comprehensive Plan.

SECOND: Commissioner Imhoff

VOTE: 5-0

D. PC17-1077MU, Master Plan, West Park Village

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 a modification in accordance with Section 417(c)(1)(B), to Table 417-2 for the minimum interior setback of 5' for attached/duplex/townhouse dwellings in order to reduce the setback to 2.5' to allow for only the construction of a 2nd story bump-out on the 16' townhouse units finding that the 2nd story bump-out will provide product diversity and will not impede the provision of light, air, or access to the subject properties or adjacent properties and the remainder of the structure comply with the 5' setback.

SECOND: Commissioner Imhoff

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve, the revisions to the previously approved mixed use master plan for West Park Village in accordance with Section 310 and Section 417 of the LMC, finding that the revised master plan is consistent with the Mixed Use development standards and APFO approval, with the following conditions:

1. The "Master Plan Approval Conditions" note be revised to read:
 1. *SITE PLANS SUBMITTED FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN MUST INCLUDE THE PARK, COMMERCIAL INFRASTRUCTURE AND FRONTAGE IMPROVEMENTS ADJACENT TO ALTERNATE 40 UNLESS PARK/COMMERCIAL SITE PLAN HAS BEEN PREVIOUSLY SUBMITTED.*
 2. *THE IMPROVEMENT PLANS FOR THE MD ALTERNATE 40 FRONTAGE IMPROVEMENTS ARE TO BE DESIGNED AND SUBMITTED PRIOR TO THE ISSUANCE OF THE FIRST RESIDENTIAL BUILDING PERMIT.*
 3. *THE IMPROVEMENT PLANS FOR THE MD ALTERNATE 40 FRONTAGE IMPROVEMENTS ARE TO BE APPROVED AND GUARANTEED PRIOR TO THE ISSUANCE OF THE 100th RESIDENTIAL BUILDING PERMIT.*
 4. *PRIOR TO THE ISSUANCE OF THE 100th RESIDENTIAL BUILDING PERMIT, THE NEW SIDEWALK TO BE CONSTRUCTED ALONG THE EAST SIDE OF MOUNT PHILLIP ROAD IS TO BE COMPLETED FROM THE SOUTHERN POINT OF THE WEST PARK VILLAGE PROPERTY TO ITS TERMINUS AT MD ALTERNATE 40.*

5. *THE MD ALTERNATE 40 FRONTAGE IMPROVEMENTS AND ENTRANCES ARE TO BE COMPLETED PRIOR TO THE EARLIER TO OCCUR OF i) THE ISSUANCE OF THE FIRST COMMERCIAL OCCUPANCY PERMIT OR ii) THE ISSUANCE OF THE 180th RESIDENTIAL BUILDING PERMIT.*

2. That the MU-1 summary table on the master plan, line item 8, be revised to indicate that the 2.5' minimum side yard setback is only applicable to the 16' wide townhouse units so as to accommodate only for the construction of a second story bump-out and the remainder of the structure comply with the 5' setback.

SECOND: Commissioner Perkins

VOTE: 5-0

VIII. NEW BUSINESS:

E. PC17-996PSU, Preliminary Plat, West Park Village

F. PC17-997FSI, Site Plan, West Park Village

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 a modification in accordance with Section 510 of the LMC, to Section 611, Street Improvement Standards, to reduce the right of way for streets where perpendicular parking is provided on one side from 50' to 38' and where perpendicular parking is provided on both sides, from 48' to 24' finding that the Property is subject to a master plan and that the modification does not conflict with the general purpose and intent or the regulations, and that the modification is consistent with the Community Character and Design Element of the 2010 Comprehensive Plan.

SECOND: Commissioner Imhoff

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved to approve the revisions to the previously approved preliminary plat for West Park Village, case PC17-996PSU, finding that the resulting plan is consistent with the approved master plan and the criteria of Section 507, which includes conformance with the Comprehensive Plan, compliance with all of the applicable criteria of Articles 4, 5, 6, 7, and 8 of the LMC, and consistency with the roads and streets shown on the transportation element of the Comprehensive Plan, with the following conditions:

1. That the modification notes on Sheet 1 relative to the preliminary plat and master plan modifications be revised to state the date of the Commission's approval.

SECOND: Commissioner Perkins

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve the revisions to the previously approved site plan for West Park Village, case PC17-997FSI, finding that the resulting plan is consistent with the approved master plan and preliminary plat and the criteria of Section 309 of the LMC which includes compliance with all of the applicable criteria of Articles 4, 5, 6, 7, and 8 of the LMC, the adequacy of facilities and services to accommodate the impacts of the development and the provision of moderately priced dwelling units in accordance with Chapter 19 of the City Code with the following conditions:

1. That the modification notes on Sheet 1 relative to the preliminary plat and master plan modifications be revised to state the date of the Commission's approval.

SECOND: Commissioner Perkins

VOTE: 5-0

G. PC17-1077-01, Architecture Review, West Park Village

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved to approve the elevations for the single family, detached dwelling units, and townhouse units as part of the West Park Village mixed use, master plan based on the findings that they are consistent with the Building and Urban Design standards of Section 604 and the approved Design Guidelines for the development.

SECOND: Commissioner Perkins

VOTE: 5-0

H. PC17-1074FSI, Final Site Plan, 610 E Church Street –Frederick Concrete

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved to approve a modification to Section 605(e) of the LMC concerning landscape buffers and berms, based on the following findings in accordance with Section 309 of the LMC:

1. The modification will not be contrary to the purpose and intent of the Code;
2. The modification is consistent with the Comprehensive Plan; and
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement.

SECOND: Commissioner Perkins

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to approve of a modification to Section 605(f)(5) of the LMC concerning street trees, based on the following findings in accordance with Section 309 of the LMC:

1. The modification will not be contrary to the purpose and intent of the Code;
2. The modification is consistent with the Comprehensive Plan; and
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement.

SECOND: Commissioner Imhoff

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve the final site plan, PC17-1074FSI, based on the findings in accordance with Article 3 of the LMC and Section 309 Site Plan Review, exempt from APFO, consistent with policies within the comprehensive plan including LU Policy 1, CCD Policy 4 and CCD Policy 6 with the following conditions:

1. That an access easement between the Property and neighboring property as shown on plan be recorded and the recording reference added to the final site plan.
2. The landscaping plan must be revised to indicate the date of approval of the modifications to the landscaping standards.

SECOND: Commissioner Imhoff

VOTE: 5-0

H. PC17-1074FSI, Final Site Plan, 610 E Church Street –Frederick Concrete

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved to approve the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, PC18-186FSCB, based on the findings in accordance with Article 7 of the LMC with the following conditions:

1. Delete "Formerly PC07-759FSI" from title block on plan sheet.
2. Correct fee calculation to: $\$0.30 \times 6,969.6 \text{ sq. ft.} = \$2,090.88$ on plan sheet.

SECOND: Commissioner Perkins

VOTE: 5-0

Meeting approximately adjourned at 7:20 pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant

APPROVED 6/11/2018