

Planning Commission Hearing Minutes
DATE: May 13, 2019

| PC MEMBERS | PC MEMBERS ABSENT | STAFF PRESENT |
|--------------------------------------|-------------------|---|
| Barbara Nicklas – Chair | | Gabrielle Collard, Division Manager of Current Planning |
| Arlene Perkins – Vice Chair | | Scott Waxter, Assistant City Attorney |
| Kelly Russell – Alderman & Secretary | | Pam Reppert, City Planner |
| Ron Burns | | Marshall Brown, City Planner |
| Joan Strawson | | Tierre Butler, City Planner |
| Dorothy Menelas | | Sherry Kelly, City Planner |
| | | Jessica Murphy, Administrative Assistant |

I. ANNOUNCEMENTS:

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

- The Workshop Agenda with attachments are available online for the workshop scheduled for Monday, May 20, 2019 at 2pm in the Municipal Annex Building.

II. APPROVAL OF MINUTES:

Approval of the March 8, 2019 Pre-Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Alderman Russell

VOTE: 3-0. (Commissioner Nicklas & Commissioner Burns Abstained)

Approval of the April 5, 2019 Pre-Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Burns

VOTE: 4-0. (Commissioner Nicklas Abstained)

Approval of the April 8, 2019 Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Burns

VOTE: 4-0. (Commissioner Nicklas Abstained)

Approval of the April 15, 2019 Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Burns

VOTE: 5-0.

Approval of the **May 10, 2019** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Burns

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. MISCELLANEOUS: None

V. 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.)

VI. CONTINUANCES: None

VII. OLD BUSINESS: None

VIII. NEW BUSINESS:

A. PC19-166FSU, Final Subdivision Plat, Moore’s Row

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve the resubdivision plat, PC19-166FSU, for Moore’s Row, Lots 1-4, finding that the plat complies with LMC Sections 507 and 515, that it is consistent with the Comprehensive Plan, and that the site will be adequately served by public facilities, with the following conditions:

1. Prior to plat recordation, confirmation must be provided that the garages have been renovated to comply with fire code separation.
2. Prior to plat recordation, the Applicant must submit the payment in lieu of parkland dedication totaling \$4,000.00.

SECOND: Commissioner Strawson

VOTE: 5-0

B. PC18-1203FSI, Final Site Plan, Iglesia Evangelica Palabra Viva, Inc

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve a modification to Section 607(g) (2) requesting to reduce the 30' parking setback to 10' finding that:

1. The modification will not be contrary to the purpose and intent of the Code because the Applicant is proposing to provide a 10' setback within which there will be landscaping and fencing mitigating the impacts of the parking lot on adjacent uses.
2. The modification is consistent with the 2010 Comprehensive Plan in that it is compatible with the character of the surrounding area.
3. The fencing and evergreen buffer provide compensating design or architectural features to meet the overall objective of the required setback.

SECOND: Commissioner Burns

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve a modification to Section 605(f) to allow street trees outside of the public right-of-way finding that:

1. The modification will not be contrary to the purpose and intent of the Code because the Applicant has provided trees directly behind the planting strip that will provide shade for pedestrians and create a tree-lined streetscape.
2. The modification is consistent with the 2010 Comprehensive Plan in that it is compatible with the character of the surrounding area.
3. The provision of the quantity of street trees required provides a compensating design so as to meet overall objectives of the planting requirements.

SECOND: Commissioner Strawson

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for conditional approval of the Final Site Plan, PC18-1203FSI to construct a 13,000 sf place of worship on Hillcrest Drive finding that the plan complies with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC, that it is consistent with the 2010 Comprehensive Plan, and that the public facilities to serve the site are adequate with the following condition:

1. Proposed street tree easements must be shown on the plan and a note added to the plan indicating that prior to improvement plan approval, the street tree easements will be recorded.
2. A note must be added to the plan stating that prior to improvement plan approval, should an easement be acquired that will allow the waterline connection to be made to the property from Frontline Drive, service will be provided as such and not from Hillcrest Drive.
3. A note must be added to the plan stating that prior to improvement plan approval, should a construction easement be acquired that will allow for the construction of sidewalk on the Housing Authority's property to the west, that the Applicant will construct the connection to the existing sidewalk along Orchard Terrace as part of the site improvements.
4. Provide sight distance triangle on the plan at the intersection of Orchard Terrace and Hillcrest Drive and modify the location of landscaping that may conflict with visibility.
5. Pending approval of the requested modifications, revise Note 16 to indicate the date of approval of the modification to Section 607(g) (2) and include the modification to Section 605(f) for the street tree location and its approval date.

SECOND: Commissioner Burns

VOTE: 5-0

C. PC19-277FSCB Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Iglesia Evangelica Palabra Viva, Inc.

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for approval of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, PC19-277FSCB, based on compliance with all of the applicable criteria of Section 721 of the LMC and consistency with the 2010 Comprehensive Plan with the following conditions:

1. Add a note to the plan with the archeological assessment case number and completion date.
2. Add a separate street tree planting schedule.
3. Add protection signage and fence details to the plan and show the protection devices around the landscape credit areas. Signage should be placed 50' on center with 50% signage to remain in perpetuity.

SECOND: Commissioner Strawson

VOTE: 5-0

D. PC19-74PSU, Preliminary Plat, B&O Properties

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to support a recommendation to the Mayor and Board of Aldermen for the approval of the request for abandonment of the portion of B&O Avenue right-of-way depicted on the subject plat per Section 22.22-2 the City Code.

SECOND: Commissioner Burns

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve of the preliminary plat, PC19-74PSU, for the resubdivision of Lots 1 through 6 and the consolidation of the rear of those lots into a single lot new (Lot 7) as depicted on the subject plat finding that the plat complies with Article 5 of the LMC, that it is consistent with the Comprehensive Plan, and that the site will be adequately served by public facilities with the following conditions:

1. That the Applicant receives approval from the Mayor and Board of Aldermen for the vacation of right of way as proposed.
2. That the plat be updated to show the date of Mayor and Board approval for vacation of right-of-way, and provide notation of the ordinance vacating said right-of-way.
3. Note #12 be updated to include the date of issuance of the APFO certificates for waterline and sewer line capacity.
4. Revise private utility and access easement label as currently depicted to say "Proposed Private Access and Utility Easement" and delete liber/folio reference.
5. Revise north arrow so that entire symbol is shown on plan and not cut off.
6. Ensure that the western most parking space has a clear depth of 18', per engineering comments.

SECOND: Commissioner Burns

VOTE: 5-0

E. PC18-801PSU/PC18-802FSI, Combined Preliminary Plat and Final Site Plan, Canterbury Station

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for conditional approval of Canterbury Station (PC18-801PSU/18-802FSI) Combined Preliminary Plat and Final Site Plan, referenced above, with a 5-0 vote in accordance with all of the applicable criteria of Articles 4, 5, 6, 7, 8 and 12 of the LMC, that it is consistent with the 2010 Comprehensive Plan, and that the public facilities to serve the site will be adequate with the following conditions:

1. On Sheet 1:
 - a. Revise Note 3 to provide the Total Project Area Summary separate from calculating the R16 Density Area.
 - b. Correct Note 26 to identify lots previously approved and that remain unchanged with the subject plan.
2. On Sheets 2 and 3, verify the limits of "North Market Improvements by others."
3. On Sheets 3 and 8:
 - a. Darken and clarify the small and large dog runs on the Lot 1 site plan
 - b. Label the shared access easement as "proposed".
4. On Sheets 4 and 5, remove all East 16th Street and East Street lane markings to be determined at improvement plan stage.
5. On Sheet 5, revise the landscape schedule to specify (Thornless) Honey Locust.
6. On Sheet 7, the photometric plan, document 0.0 footcandles at all Lot 204 property lines and provide a detail of the proposed light poles to demonstrate that the height will not exceed 20'.
7. Obtain unconditional approval of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan (PC18-803FSCB).
8. Relocate bike racks and/or picnic tables out of the right-of-way to be used near the truck court.
9. On Sheet 14:
 - a. Indicate that the Canterbury Station developer will be responsible for the crosswalk on N. Market.
 - b. Correct the orientation of the N. Market Street median cross-hatches.
 - c. Show the northbound N. Market Street right-turn lane to Canterbury Station Blvd.
 - d. Remove the "Ultimate Possible future North Market Street Improvements by Others."
10. Submit a revised traffic study responding to Staff's recommended edits.
11. Label the surface material of the portion of the dog park within the floodplain.
12. Correct the width (10 feet) of the existing trail along East Street along Lot 201 and Northampton Manor frontage.
13. Show sidewalk improvements along N. Market Street from East Street to Schifferstadt Blvd (per Sheet 1, Note 18.2) and include this improvement in the Phasing Plan.

14. Update the Phasing Plan to achieve the following:

- a. Phase 1: Phase 1 shall not exceed 160 MF units plus two single family lots limited to model homes.
- b. Phase 2: #2; Bond and construct.... To North Market Street, including the North Market Street connect to the trail on the North West side of North Market Street.
- c. Phase 2: Include upgrade to N. Market sidewalk from East Street to Schifferstadt Blvd.
- d. Phase 3: #1 must be moved from Phase 3 to Phase 2. Additionally at the time the southbound left turn lane is being created to Canterbury Station Blvd., the northbound right turn lane shall also be constructed.
- e. Delete Phase 3, #2.
- f. Delete Phase 2, #1.
- g. Phase 1, #5 and Phase 2, #5: Coordinate with the City on proposed revisions to East Street lane configuration at 16th Street and timing for the installation of those improvements.
- h. Note the timing of access easement across Lot 203 to Lot 204.
- i. To amend the notes for phase II to indicate the listed roadway, infrastructure improvements must be bonded prior to issuance of the first building permit in phase II and constructed prior to issuance of the 157th occupancy permit (prior to the 4th building) in phase II. Non-roadway/infrastructure must be constructed prior to the issuance of the occupancy permit of the first unit in this phase II.

15. Modify the exact alignment of the trail crossing of N. Market Street to be as close to 90° as reasonable with exact approach alignment on the applicant side of the highway to be defined as mutually acceptable to the city and the applicant at improvement plan stage.

SECOND: Commissioner Strawson

VOTE: 5-0

F. PC18-803FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Canterbury Station

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve the modification request to Section 721(d)(2) to remove one specimen tree, #8, in accordance with Section 721(b)(3) finding that:

1. The special conditions peculiar to the property would cause the unwarranted hardship;
2. The enforcement of this section will deprive the applicant of rights commonly enjoyed by others in similar areas;
3. The granting of the modification will not confer on the applicant a special privilege that would be denied to other applicants;

4. The modification request is not based on conditions or circumstances, which are the result of actions by the applicant;
5. The request does not arise from a condition relating to land or building use, either permitted or nonconforming, in a neighboring property; and
6. The granting of a modification will not adversely affect water quality

SECOND: Commissioner Burns

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve the conditionally approved Canterbury Station (PC18-803FSCB) Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, referenced above, with a 5-0 vote, in accordance with all of the applicable criteria outlined in Section 721 of the LMC and the State Forest Conservation Act with the following conditions to be met:

1. Add a note to the plan stating that the maintenance of the 1-7 specimen trees shall be completed prior to October 1, 2019. The Applicant shall notify the City Sustainability Manager and Planning Department for assistance prior to scheduled maintenance.
2. Add a note to the plan stating that the protective easement agreements for the specimen trees shall be recorded prior to any future improvement plan approvals and/or grading for project development; easements to delineate the greater of CRZ or TPZ for individual trees; and protective devices shall be installed prior to any grading or construction on the residential lots, whichever comes first.
3. Add a note to the plan that the remaining forest protective easement agreements for afforestation and retention shall be recorded prior to grading and/or improvement plans and/or issuance of building permit for Lot 1.
4. A note to be added to plan stating that sediment erosion fencing is not to be substituted for turkey wire fencing for more secure and unmovable fence.
5. Label shared use path as 10' width

SECOND: Commissioner Burns

VOTE: 5-0

G. PC19-169ZMA, Zoning Map Amendment, Sanner Property

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

PLANNING COMMISSION ACTION:

This is the first of two required public hearings.

H. PC19-165ZMA, Zoning Map Amendment, 102, 104, 108 W. All Saints Street and 107 Ice Street

Mrs. Collard entered the entire staff report into the record. There was public comment on this item.

David Cook who resides at 13 E. All Saints supports the project and would like the plan expedited due to the current conditions of the property.

PLANNING COMMISSION ACTION:

This is the first of two required public hearings.

Meeting approximately adjourned at 8:00 pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant

APPROVED 6/10/2019