

**Planning Commission Hearing Minutes
February 13, 2012**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Josh Bokee Alderman Russell Elisabeth Fetting Gary Brooks Rick Stup		Gabrielle Dunn-Division Manager of Current Planning Joe Adkins-Deputy Director for Planning Jeff Love-City Planner Devon Hahn-City Traffic Engineer Scott Waxter-Asst. City Attorney Carreanne Eyler-Administrative Assistant

I. ANNOUNCEMENTS:

Commissioner Nash announced that Commissioner Gary Brooks has resigned from the Planning Commission and thanked him for his service.

II. APPROVAL OF MINUTES:

Approval of the **January 6, 2012** Pre-planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Commissioner Fetting.
VOTE: 4-0.

Approval of the **January 9, 2012** Planning Commission Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Commissioner Fetting.
VOTE: 4-0.

Approval of the **January 17, 2012** Planning Commission Workshop Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Alderman Russell.
VOTE: 3-1. (Commissioner Fetting abstained)

Approval of the **January 23, 2012** Planning Commission Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Commissioner Fetting.
VOTE: 4-0.

Approval of the **February 10, 2012** Pre-Planning Commission Minutes as amended:

Minutes were tabled and will be approved at the March 12, 2012 Hearing.

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. PC11-671FSU, Final Subdivision Plat, North Market Revitalization – Section 1, Plat 2 Lots 5R and &R

MOTION: Commissioner Fetting moved to approve PC11-671FSU.
SECOND: Commissioner Bokee.
VOTE: 4-0.

V. NEW BUSINESS:

B. PC11-669FSU, Final Subdivision Plat, TGEC Land, LLC (59 S Carroll Street)

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Ms. Reppert entered the entire staff report into the record. She stated that the Applicant requests consolidation of five separate parcels under the same ownership to reconfigure two lots, creating Lots 1R and 2R, located at the corner of South Carroll Street and East All Saints Street.

The Applicant is also seeking a recommendation from the Planning Commission to the Mayor and Board of Aldermen for a deferral of frontage improvements along South Carroll Street and East All Saints Street in accordance with Section 506(c) of the Land Management Code (LMC).

INITIAL PLANNING STAFF RECOMMENDATION:

Staff supports a positive recommendation for a deferral of standard public improvements of South Carroll Street and East All Saints Street with the temporary improvements to be installed as depicted in concept 2 as provided by the Applicant with the conditioned that the owner maintain the painted pedestrian walkway and on the basis that the deferral expire at such time that the site is redeveloped or that the General Engineering Company sell the building or vacate the site, whichever occurs first. Engineering staff does recommend and support this and they want the curbing to go out to the intersection as they had presented to the Streets and Sanitation Committee. The Street and Sanitation Committee as well as the Planning Commission recommendations shall be forwarded to the Mayor & Board with the deferral request from the applicant. If the deferral of the public improvements is approved a note should be added to the plat documented the Mayor & Board approval and deferral agreement recorded. In addition to correcting the plat drawing to show accurate curb and gutter and parking along East All Saints Street.

Staff recommends approval of the Final Plat PC11-669FSU for the TGEC Land, LLC with the following conditions to be met:

Within 60 days:

1. Label Carroll Street as “South Carroll Street”.
2. Show right-of-way (existing) north of Lot 2R on Carroll Street and on east side of Carroll Street as well as right-of-way on south side of East All Saints Street.

Greater than 60 days and less than one year:

1. Obtain approval from the Mayor and Board of Aldermen for the deferral of the frontage improvements and document approval date in a note on the plat.
2. Execute the Deferral of Public Improvements Agreement and add the recording references to the plat.

PLANNING COMMISSION QUESTIONING OF STAFF:

Mrs. Devon Hahn, City Traffic Engineer explained that currently, on concept number 2, the applicant is showing that the sidewalk would end at the front of the building at Carroll Street and would not continue all the way to the intersection. Staff is asking that either the sidewalk be flushed with grade level, or be stamped asphalt and that it being continued to the intersection in order to meet ADA guidelines.

Commissioner Nash asked if striping the asphalt as proposed would be appropriate.

Mrs. Hahn stated that she doesn't think it would meet the ADA guideline, which says that if a walk crosses a vehicular way and is not separated by curbs, railings or other elements, then the boundary between the two areas should have a continuous, detectable warning.

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

Mr. Fran Zeller, Harris, Smariga & Associates, stated that they concurred with the staff report and if there is a textured paint that provides a tactile surface they would not be opposed to using it.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

There was no public comment.

PETITIONER REBUTTAL:

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

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

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There was no restatement/revision from planning staff.

PLANNING COMMISSION ACTION FOR DEFERRAL OF PUBLIC IMPROVEMENTS:

MOTION: Commissioner Bokee moved for a positive recommendation for a deferral of standard public improvements of South Carroll Street and East All Saints Street with the temporary improvements to be installed as depicted in concept 2 as provided by the applicant with the condition that the owner maintain the pedestrian walkway and on the basis that the deferral expire at such time that the site is redeveloped or that the General Engineering Company sell the building or vacate the site, whichever occurs first and also that the material for the sidewalk be acceptable to Engineering Department.

SECOND: Alderman Russell.

VOTE: 4-0.

PLANNING COMMISSION ACTION FOR PC11-669FSU:

MOTION: Commissioner Bokee recommended approval of PC11-669FSU for the TGEC Land, LLC with the 2 conditions to be met within 60 days and the two conditions to be met in greater than 60 days but less than one year as read into the record by staff.

SECOND: Commissioner Fetting.

VOTE: 4-0.

VI. OLD BUSINESS:

C. PC10-100ZTA, Zoning Text Amendment, Downtown Parking

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mrs. Dunn entered the entire staff report into the record. She stated that the Planning Department is seeking a recommendation from the Planning Commission to the Mayor and Board of Aldermen on proposed amendments to Section 607 of the Land Management Code (LMC) entitled *Parking and Loading Standards*.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff supports a positive recommendation for the amendments as proposed to the Mayor and Board of Alderman.

PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Bokee asked if the 25% reduction or 1,320 feet standards for transit availability were based on other comparable places.

Mrs. Dunn replied that those numbers were recommended by Mr. Tim Davis, City Transportation Planner. She noted that the 1,320 feet is in the code as one of the distances for evaluating this.

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

The City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

There was no public comment.

PETITIONER REBUTTAL:

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

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

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revisions from planning staff.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Bokee made a positive recommendation to the Mayor & Board of Alderman as proposed for PC10-100ZTA as well as the amended subsection 4 for Transit availability and payments in lieu of parking to be added.

SECOND: Commissioner Fetting.

VOTE: 4-0.

D. PC11-781ZTA, Zoning Text Amendment, General Procedures and Site Plan Process

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mrs. Dunn entered the entire staff report into the record. She stated that the Planning Department is proposing amendments to Section 301, *General Procedural Requirements*, and Section 309, *Site Plan Review* of the Land Management Code (LMC).

INITIAL PLANNING STAFF RECOMMENDATION:

Staff supports a positive recommendation for the amendments as proposed to the Mayor and Board of Alderman.

PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Stup asked that if taking the Completeness Review out precludes staff from requiring a letter of transmittal or agency check off list to make sure everything is there that should be and asked if that could still be done administratively?

Mrs. Dunn responded yes and that the submittal requirements are actually located within the LMC and that staff would like to see them eliminated from the code because it would give more flexibility, but doesn't see this change as precluding the ability to request those forms in any way.

Regarding the amendments to the site plan criteria for a change of use, Commissioner Nash questioned the applicability of the revised site plan provisions regarding a situation where an old, strip shopping center is changing hands but still operating as a strip shopping center, then they would not be required a site plan and the City would not require upgrades.

Mrs. Dunn replied that was correct.

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

The City was applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

There was no public comment.

PETITIONER REBUTTAL:

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

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

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revisions from planning staff.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Bokee moved for approval of General Procedures and Site Plan Process PC11-781ZTA as read into the record by staff.

SECOND: Commissioner Fetting.

VOTE: 4-0.

Meeting adjourned at 6:50 p.m.

Respectfully Submitted,

Carreanne Eyler
Administrative Assistant