

Douglas S. Wright, Jr., chair, called the meeting to order at 4:02 p.m., on Wednesday, August 12, 2015, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, R. Campbell, D. Miller, J. Stone, R. Thomas, and J. Wheeler (via teleconference). The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

MOTION: (Stone/Miller) I make a motion that in view of the fact that Judy has taken the time to want to participate that we allow Judy to participate in this (meeting) by phone since we can hear her and she can hear us.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Approval of Minutes:

July 8, 2015 – Workshop Meeting.

Under the discussion for the ESD Concept Plan for Twigg Cycles on page 3, Mr. Wright asked that a reference be added in the first paragraph that indicates there will be an addition on the front of the building. The addition is mentioned later on in the report, but Mr. Wright felt it was important to mention it up front.

MOTION: (Stone/Campbell) I make a motion for approval.

DISCUSSION: Mr. Wright asked if there will be an update on the deadline for compliance with stormwater management regulations. Ms. Maher stated that staff is still investigating whether or not to make a recommendation (through Mr. Brubaker) for any amendments to the state code. Staff compiled a list of all affected developments. Staff members have been in conversation with the Maryland Department of Planning.

ACTION: APPROVED (Unanimous)

July 22, 2015 – Special Meeting.

MOTION: (Stone/Thomas) I move that we approve the July 22 minutes.

DISCUSSION: None.

ACTION: APPROVED (Unanimous)

Paradise Hospitality Group – 431 Dual Highway – New Entrance to Route 40, Site Plan, Case No. ZS-2015-04.

Mr. Wright recused himself from this case. Mr. Stone, vice chair, assumed the chair.

Staff Report: (Staff report is in the meeting file.) This site plan is for construction of a right-in-right-out driveway entrance in front of the recently demolished motel at the Venice Inn. It also includes grading to correct design deficiencies required by the State Highway Administration along the front of this site and partially includes the vacant lot to the west, between the hotel and the auto parts store. The proposal is for the entrance and grading only for the purpose of making the property more marketable for potential sale to and redevelopment by others. No use is planned at this time. The total disturbance is approximately 0.7 acres. The Planning Commission previously approved a waiver to allow the applicant to use the site plan standards for this plan as they appear in ordinance requirements for a minor site plan since the work is all grading and driveway entrance construction.

This plan was reviewed by the Plan Review Committee on April 14, 2015. Forest Conservation is not applicable to this project. Unconditional approvals have been received from all review agencies with the exception of the City Engineer. Staff recommended approval, subject to compliance with the conditions cited by the City Engineer. The comments appear to be more advisory than actual conditions. Staff noted for the record that if a site plan comes in for redevelopment, the developer should get credit for street trees now should a forest conservation plan be required for this property. Forest conservation may not be required, but they should get credit for the trees.

MOTION: (Miller/Campbell) I make a motion to approve, subject to the Engineer’s comments and that they get credit for the trees.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN- Wright)

28-50 East Baltimore Street – Washington County Board of County Commissioners, Final Plat, Case No. S-2015-02.

Staff Report: (Staff report is in the meeting file.) This subdivision is for the division of the County’s holdings into two lots. The “Massey Building” and all lands along East Baltimore Street will become a lot for the purpose of conveying the property to the City. The remaining lands containing the Washington County Free Library parking lot will be retained by Washington County. An easement across the new lot will include the existing Library parking lot driveway out to East Baltimore Street. Terms have been written into the easement that the City

or subsequent owner may move this entrance east or west (subject to site plan review), provided that the City (or subsequent owner) absorb all expenses associated with the relocation. This was included as a precaution to ensure flexibility of development of the remaining unimproved area along East Baltimore Street. No proposed use of the Massey building or the lands is contemplated at this time. The Bester House and florist building will be demolished once the City takes ownership.

The plat was routed for review and all agencies have approved the final plat. Planning staff recommended that this final plat be approved. An easement across the driveway entrance from East Baltimore Street will protect access to the Library parking lot. As mentioned earlier in the report the owner of Lot 1 would bear cost of moving the driveway.

Applicant/Commission Discussion: Bryan Hale of Washington County Engineering was present. Mr. Stone asked if relocating the driveway in the future will require a redesign of the parking lot spaces. Mr. Bockmiller stated that it depends on the proposal for the use of the property. Mr. Wright noted that the plat refers to Lot 1 but there is no reference to a "Lot 2." Mr. Bockmiller indicated that staff has no objection to relabeling the remaining lands "Lot 2," although Mr. Stone pointed out that it is common in subdivisions to not have a "Lot 2."

MOTION: (Miller/Campbell) I make a motion to approve the subdivision.
DISCUSSION: Mr. Brubaker asked what will be the disposition of Lot 261 north of the alley. Mr. Bockmiller noted that the house at 141-143 South Locust Street is occupied and the City considered conveying it to the property owner. However, since time is of the essence, there are certain protocols that the County would have needed to follow, so it was more expedient to do it this way.
ACTION: APPROVED (ABSTAIN - Brubaker)

Land Management Code Amendments – Update on Mayor and City Council Review.

Staff Report: (See staff memo in meeting file.) The Mayor and City Council completed its review of the 2014 package of Land Management Code Amendments. Ms. Maher updated commission members on the changes made by the Mayor and Council since the Planning Commission last reviewed it. The ordinance will be introduced on August 25 with adoption planned for September 29. The amendments will go into effect on October 30.

Ms. Maher discussed the changes made by the Mayor and City Council to the package forwarded by the Planning Commission:

- Require dumpster enclosures for all dumpsters added to an existing property.
- Not allow tobacco stores and vapor and hookah lounges in the CC-MU.
- Require written decisions of the Board of Zoning Appeals (BZA) be prepared by Planning staff or the City Attorney, with review, revision and approval by the BZA.
- Allow increased fence height for residential properties when adjacent to certain non-residential districts *and when adjoining non-conforming commercial or industrial uses similar in character to what would be permitted in those prior mentioned districts.* (Language in italics was added by the Mayor and City Council.)
- Retain storefronts on existing buildings in the CC-MU - in-full or to minimum depth of 40 feet *and window glazing openings on existing storefronts shall not be reduced in area, but may be expanded in size with approval of HDC, where required.* (Language in italics was added by the Mayor and City Council.)
- Added a prohibition under Graphics: window graphics applied to the surface of the glass door that create a solid background which prevents views into occupied storefront space.
- Increase maximum area of freestanding signs in the commercially zoned sections of Dual Highway, Wesel Boulevard, and Potomac Avenue from 100 square feet to 150 square feet to match County regulations. This is for the purposes of continuity in areas where the City-County line is located in commercial areas.

Ms. Maher added that the Mayor and City Council had long discussions on the Storefront Protection Zone and window graphics and came to the conclusion that including this language in the ordinance would be problematic.

New Land Management Code Amendment: Indoor Plant and Cultivation Processing Facilities.

Staff Report: (The complete staff memo is in the meeting file.) Planning and Economic Development staff presented a proposal to the Mayor and City Council on August 4 to amend the Land Management Code to allow “Indoor Plant Cultivation and Processing Facilities” in the city. The Mayor and City Council recommended moving forward with the amendment. Since there is the strong potential for enterprises wishing to use this provision in the very near future, staff was asked to expedite the review process.

Staff members see a benefit to modifying the City’s zoning regulations to allow an enterprise to conduct an indoor growing operation in certain districts of the city that are not traditionally viewed as likely locations for nursery/greenhouse operations. Examples include hydroponic growing and emerging industries such as aeroponics, indoor vertical farming, and urban agriculture. Such enterprises have the potential to find new and exciting uses and jobs for commercial and industrial buildings which have resisted re-use over the years. Additionally, the

ability to accommodate a combined growing and limited manufacturing operation has been discussed as a use that would be economically beneficial. Examples include growing, processing, and packaging herbs, teas, potpourri, etc. for sale. Currently, the City’s Land Management Code does not allow for the combination of growing of plants and processing/refining of plant materials in one enterprise.

Definitions were developed for commercial breweries, breweries, distilleries. Brewpubs will be permitted in the commercial districts under the 2014 amendments to the Land Management Code. The recommended text amendments are as follows:

New Land Use Category	Definition	Permitted Zoning Districts
Indoor Plant Cultivation and Processing Facility	Indoor cultivation of plants for wholesale distribution of plant and/or fruit, seeds, or flowers of the plant. This use may include refinement of plant materials into end products for human consumption or personal use, including canned, preserved, or frozen fruits and vegetables, dried culinary and medicinal herbs, other medicinal products, essential and infused oils, spices, teas, dried flowers, potpourri, sauces and salsas, etc. This use shall not include refinement of plant materials with other manufactured components into lotions, creams, gels, or other cosmetic products. This use shall not include refinement of plant materials into industrial products, such as paper, textiles, rubber, etc.	<i>Same as Light Manufacturing:</i> 25,000 square feet or less: CC-MU, I-MU, IR, and IG; Special Exception in POM. Over 25,000 square feet: IR and IG; Special Exception in CC-MU, POM, and I-MU.
Brewery*	A place where beer is manufactured for commercial wholesale. This use shall not include enterprises that make beer for on-site consumption, such as brewpubs.	IG
Distillery*	A place where liquor is manufactured for commercial wholesale.	IG

Asterisks were added to categories to make a distinction between Indoor Plant Cultivation and Processing Facilities, since these uses are heavier manufacturing enterprises known to produce certain external impacts, such as odors. Staff presented alternative definitions for consideration for “Brewery, Commercial,” “Breweries,” and “Distilleries.”

Staff recommended holding a public review meeting during the August 26 meeting to keep this process moving as expeditiously as possible.

Commission Discussion: With respect to “Indoor Plant Cultivation and Processing Facility,” Mr. Wright was concerned about allowing this use in CC-MU. After reviewing everything in the CC-MU and researching these types of uses on the internet his conclusions were that these facilities are normally found in larger buildings and not the smaller buildings in the CC-MU district. This type of use is light in everything but size. He suggested eliminating the use from the CC-MU and keeping it in the I-MU, IR, and IG districts. Mr. Stone asked if there are any industrial buildings remaining in the CC-MU zoning district. Old factory buildings would be ideal because the rental rates are usually inexpensive. Mr. Campbell felt the use should remain in the CC-MU so it is still accessible to downtown residents, although it was noted that this would not be a community garden use since it would be too expensive for the average person.

Concerning the definitions of breweries and distilleries, commission members preferred the NAICS 2002 definitions (see staff memo), however, in the “Distilleries” definition, the commission wanted to delete the reference to “except brandies.” The proposed definitions for “Breweries” and “Distilleries” contained the phrase “commercial wholesale” and members were concerned that this was not a defined term. The alternative definition for “Brewery, Commercial” contained a provision that would allow 25% of an entire facility for an accessory tasting facility which Mr. Wright found too high based on the size of this type of operation. Mr. Bockmiller stated that language is not needed to cover tasting rooms since he would consider them an accessory use. Mr. Stone added that a special license may be required for tasting rooms.

As discussed by the Mayor and City Council, Ms. Maher noted that this amendment would allow medical cannabis cultivation. Mr. Thomas expressed his opposition to this type of use on principle in part because of the area’s drug problem. As an employer, Mr. Wright noted that recent court cases in Colorado have alleviated some of his concerns about medical cannabis. Ms. Maher stated that only 15 licenses will be granted statewide for medical cannabis cultivation. As defined, the use would be limiting enough and very similar to light manufacturing.

Commission members had no concerns about proceeding with a public review meeting on the proposed text amendments on August 26.

Board of Zoning Appeals – August Hearing.

Commission members had no comments to pass on to the Board of Zoning Appeals.

CortPark Concept Plan Review – Remand from Circuit Court.

Mr. Wright and Mr. Miller abstained from the discussion of this item. Mr. Stone assumed the chair.

Staff Presentation: (See staff memo in meeting file.) The Circuit Court remanded the Planning Commission’s rejection of the sketch plan for this project for another hearing “in accordance with the court’s ruling.” In that ruling, the Court found that the requirement for amenities does not apply to Cortpark due to defects in the language of the Ordinance. Therefore, the commission denied the concept plan solely on a determination of insufficient amenities when, due to the defect, none are required.

Initially the applicant informed staff that they planned to move forward with the sketch plan with the amenities as proposed in Version 2. However, on July 16, a revised plan (see meeting file) was submitted, removing most of the proposed amenities from the plan. Staff noted grave concerns over the future quality of this development if its unit yield is increased by the proposed 72 units to a total of 504 units—increasing a situation already insufficient to meet the reasonable recreational needs of so many residents. As directed by the court, this cannot be considered by the commission in its deliberations.

The purpose of a sketch plan is for general layout and addressing “big picture” issues associated with the development. Most sketch plans at this level and scale would be “bubble plans.” Since this is an existing built environment which is being retrofitted to accommodate the proposal, this plan is more detailed than a similar plan would be for “green field” development. It is not intended for engineering-level detail but identification of potential issues that would come up at the site plan stage are raised for information purposes by the various agencies.

This concept plan calls for intensification of this use by converting existing units and hallway space in every building in this development to add one dwelling unit on each second and third floors. Every building would go from 12 three-bedroom units to 10 three-bedroom units, 2 two-bedroom units and 2 one-bedroom units. The total number of units would increase from 432 units to 504 units. In order to meet ordinance requirements, the applicant has proposed two alternatives: 1) the existing gravel fire access road off of Eastern Boulevard would be upgraded and improved to create a new full-entrance driveway onto Eastern Boulevard with a right-in-right-out access only; and 2) a new driveway would be constructed to the east of the fire access

road and designed as an S-curve, creating a full-movement intersection. The second option was provided specifically at the suggestion of Planning Commission members.

The concept plan includes connection of missing links in the sidewalk network and installation of an entrance monument on Eastern Boulevard. No design or concept has been included but they are not needed at this stage of review. The proposed parking appears to be sufficient to meet ordinance requirements. The revised concept plan also shows adding several forest conservation areas around the periphery of the site which are wooded but were not included in the original forest conservation plan for the site in order to accommodate the removal of trees from the existing forest conservation area if the “S-curve” access option is adopted.

The plan previously rejected by the Planning Commission was reviewed by the PRC on August 19, 2014. Given that this revised plan only removed amenities, the revised plan was not distributed to the PRC for its comment. The majority of staff comments are design issues that would be addressed at the site plan stage, therefore, all agencies have reviewed the attached responses to their comments and have consented to allow the concept to move forward to the Planning Commission for consideration. Mr. Bockmiller noted that since the City has repealed its Adequate Public Facilities Ordinance, the issue of an increase in the number of units is not impacted by an APFO requirement anymore.

The City has experienced challenges with this development since its inception. Many liberties were taken with the grading of the site compared to what was required on the site plan, and the unusual topography around the buildings and street network is evident throughout. Numerous issues of noncompliance with the site plan remain outstanding with the City Engineer’s office.

Staff noted that the buildings in this development show surprising levels of deterioration given their age. Trash enclosure gates are propped open and never used. The property was subdivided into two land condominium units on assurances that they would never be sold separately; however, one of the two land units was threatened with sale as subject to a bank foreclosure process (since canceled). This development will have more than five hundred dwellings accessing off of only two entrances. Given the layout of the site, the only real open space area is occupied by forest conservation. Most of the development contains buildings, roads, parking and forest conservation areas and sloped remnants of land not suitable for recreational use.

With regard to the S-curve issue, the City Engineer’s position is that a right-in-right-out entrance at the fire road is sufficient to meet access needs. The City Engineer is willing to consider the “S-curve” with full turning movement arrangement, but believes that no real additional benefit will be obtained for the effort. Signalization would only be allowed if it is justified by a signal warrant analysis. Any approval of this alternative as part of the sketch plan process would have to be conditional, should a study identify conditions that make creating the S-curve arrangement untenable. Mr. Bockmiller stated that Planning staff has serious concerns about the S-curve

alternative. It will require significant construction and fill in a 100-year floodplain area, which is a priority area for afforestation and reforestation efforts. The “S-curve” option cuts through an existing forest conservation easement that over the last 10 years has grown up to serve as an effective landscape buffer. Removal of the trees necessary to construct this road would be devastating to the effectiveness of the forest conservation area as a visual buffer for the development and is very inconsistent with the intent of the Forest Conservation Ordinance. Consideration of such a request would likely draw the Department of Natural Resources (DNR) into the discussion. Such a request is inconsistent with the goals and expectations of the Forest Conservation Ordinance. The DNR would likely oppose such a proposal if an alternative is available. Since the property is protected by easement, staff would need to explore how the easement could be released. If the “S-curve” driveway option is required, the existing emergency entrance would be added to the forest conservation area and planted. Mitigation would involve adding some existing forested areas into protection, with any potential remainder being handled by fee-in-lieu and/or off-site planting. If this approach is required, the commission has never addressed the large removal of a dedicated forest conservation area in a priority area.

The design engineer provided a report (attached to staff report in meeting file) that addresses the issues raised at the PRC review committee regarding the concept plan (the plan that was rejected in October and subject to judicial proceedings). The report includes approximately 40 comments from review agencies, most of which are addressed through revision of the plan or acknowledgment by the applicant as issues they will have to address with the site plan. There are a few items of contention the applicant wishes to discuss with the Commission. Mr. Bockmiller summarized the agency comments in the following chart:

Agency	Included On Revised Concept	Acknowledged by Applicant as Needing to be Addressed in Site Plan	Unresolved
Planning	Comment 3, 4, 8, 11	Comment 1, 2, 5, 7, 8, 9, 10 Comments 12 and 13 are superseded by court order.	Comment 6
Engineering	Comment 2	Comment 1, 3, 4, 5, 6, 7, 9, 10, 11	Comment 8
Fire Marshal	Not applicable	Comment 1, 2, 3, 4, 5, 6	None
Water/Wastewater	Not applicable	Comment 1	None

<p>Police (The first six comments by the Police Department under “Building Recommendations” are not site plan issues.)</p>	<p>Amenities comment 5</p>	<p>Building Comments 7 and 8. (Building comments 1, 2, 3, 4, 5 and 6 are not applicable to site plans.) Amenities Comments 1, 5 and 6. (Amenities Comments, 2, 3 and 4 are superseded by court order.)</p>	<p>None</p>
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Mr. Bockmiller noted that two comments remain unresolved: the City Engineer’s office does not believe that two parking spaces per unit will be sufficient for this development; and Planning’s comment about the quality of the dumpster enclosures on this site and desired redesign of the enclosures consistent with Article 5. Mr. Bockmiller noted that this second Planning issue cannot be required with this project because it was part of the R3 language which is the basis for the remand.

With the following conditions staff recommended approval of the sketch plan, employing only the “fire road” alignment option for the second point of access. Staff recommended discarding the “S-curve” option.

1. All issues raised in the review of this revised concept plan by the Planning Staff, City Engineer, Water and Wastewater Departments, the Fire Marshal, and the site plan-related comments of the Police Department (see attachment) shall be addressed in the site plan to the satisfaction of those agencies.
2. All trash enclosures throughout the development shall be of uniform design, designed to efficiently contain dumpsters without wasted space, have operating gates designed for durability, and a pedestrian access way to each enclosure incorporated into the design to allow residents to deposit materials in the dumpster without having to undo the gates.
3. To the greatest extent logical, as determined by the Planning Staff, as many of the back entry ways as possible shall be connected to the sidewalk network of the development. (The revised plan addresses most or all of this concern, but final determination will be made during site plan review.)
4. Prior to site plan submission the applicant’s engineer shall walk the entire site with staff from Planning and the City Engineer’s office, and those agencies will identify all issues, sites and locations that need either a) remedy of outstanding site plan and/or City Code noncompliance; and/or b) shall need to be brought into compliance to the greatest extent possible with current landscaping and site design standards of the Land Management Code and other applicable City codes. Required corrections, upgrades and improvements shall be as determined by the City Engineer and the Zoning Administrator.

5. No use and occupancy permit will be issued for the 13th or 14th unit of any building until such time as the City Engineer and the Zoning Administrator have confirmed that all improvements and corrections to prior defective site conditions, as shown on the required site plan, have been installed or corrected to their satisfaction. This condition shall be included on the site plan.

Should the S-curve driveway option be required or pursued, Staff recommended the following additional condition:

6. The issue of any necessary variances or interagency approvals relating to the Forest Conservation Ordinance and/or Floodplain Management Ordinance for use of the “S-curve option” shall be resolved (and obtained, if necessary) prior to submission of a site plan.

Mr. Stone questioned the alternative access and why a full-access intersection would not be an option with a road that extends straight out to Eastern Boulevard. Mr. Bockmiller explained that the S-curve option was discussed after the first denial. Part of the S-curve design is that it would allow the ability to maintain as much screening as possible rather than a straight shot view into the development from Eastern Boulevard. Mr. Stone stated that his concern at the time was the desirability of a full access intersection. Adam Hager of Frederick, Seibert & Associates, engineers for the project, indicated that the full access entrance would need to align with the funeral home access. Once the site plan is ready to be submitted, the developer will have a full traffic study conducted to determine the best alignment on Eastern Boulevard. Steve Zoretich of Frederick, Seibert & Associates, Inc., stated that a right-in-right-out intersection is an easy, safe access. The developer is agreeable to a right-in-right-out. Mr. Stone asked if the Planning Commission was comfortable with the limited access of a right-in-right-out intersection. Mr. Brubaker observed that very sufficient accel and decel lanes would be necessary for a right-in-right-out arrangement. Planning Commission members wanted to keep the option open for both types of access and wait for the results of the traffic study. Mr. Bockmiller noted that another reason for the S-curve is to tie in to a certain area of the parking lot on the other end. It is not just an aesthetic decision. Keeping the S-curve option will require that about an acre of trees that are under an easement in a floodplain be released from the easement. Mr. Hager said the developer plans to trade off forest conservation areas if removed. Mr. Bockmiller noted that DNR would need to be consulted, and the developer may need to apply for a variance. The Army Corp of Engineers may also need to be involved. Ms. Maher added that the number of trees that may need to be removed in the easement area (beyond what is shown) if the S-curve option is chosen. A “Limits of Construction” line should be shown.

Applicant’s Presentation: Edward Kuczynski, attorney for the developer, recapped the Circuit Court decision and remand. Based on the decision the City cannot require an amenities plan for an RH multi-family site plan or redevelopment. Mr. Kuczynski contended that the section of the

ordinance requiring trash enclosures, etc., is not applicable because it is not specifically stated and the City approved CortPark years ago. Except for building a second access road, the proposed redevelopment does not include the movement of any dirt in that it is just a reconfiguration of units. These units were approved under a prior site plan. It was noted that Cortpark's section of paving has been completed. Therefore, the developer is starting with a project that is presumed to be in compliance with City ordinances because it was approved years ago. At this point Commission members and staff raised objections to Mr. Kuczynski's interpretation of the court opinion.

Mr. Kuczynski continued stating that his client wants to do what is required by the ordinance to get the sketch plan approved. He agreed that there will be a net increase in the number of units, but not an increase in the number of bedrooms. His client believes that reconfiguration will help alleviate some of the existing problems by attracting higher quality tenants. The outcome will not be known until the change actually occurs. The difficulty is that his client is amenable to working collaboratively with the City to make the redevelopment plan succeed. Mr. Kuczynski has advised his client to take a tougher stance. He feels that a trash enclosure upgrade is not required, same as with the sidewalk network and revisiting the lighting. In an effort to move the sketch plan forward, the developer will engineer the access to whichever configuration works best. However, they need to get past the sketch plan phase first before they can get to the site plan phase.

Mr. Kuczynski specifically addressed the parking concerns. The ordinance says the parking provided is adequate for this development. ITE (Institute of Transportation Engineers) is not the ordinance standard—it is not part of the ordinance. If the spaces are adequate there should be no need to create more spaces. Mr. Stone stopped Mr. Kuczynski's presentation and noted that the purpose of the meeting is to review the proposed sketch plan proposal. Mr. Kuczynski stated that staff recommends approval of the sketch plan. Mr. Stone wanted input from Mr. Shaool as to the conditions listed by staff. Mr. Thomas said the commission needs to look at what it can do to come up with a compromising and amenable decision to get the project off the board, and to make a decision that the applicant will be held to. The previous site plan was not adhered to by the developer.

Mr. Zoretich stated that Mr. Shaool has no issue with many of the comments made by staff. The parking situation will need to be studied further. Based on the requirements of the City Code, the parking requirements will be met. Mr. Shaool does not want to build additional parking if it is not needed. The owner would like to make the dumpsters more accessible and the exterior finishes already match the buildings. They do need certain repairs.

Mr. Shaool stated that it is beneficial to his family to bring nice projects to the community. They feel they have been successful in bringing new rental projects in the community and expressed his sincerity to work together with the City to make this a great project. Mr. Shaool asked the

commission to understand his sincerity. If the commission wants more bushes, let him know. This project will be a win-win for everyone.

Mr. Bockmiller suggested focusing on what will be needed for the site plan. In response to Mr. Kuczynski's statement that the developer pulled the amenities off the plan, if the developer wants to reinstate the amenities that would not require a waiver as a waiver is never required for exceeding standards. When a site plan is submitted for redevelopment, it is standard practice to use it as a tool to bring the site into compliance with current standards. There are parking requirements, landscaping requirements. There are existing outstanding issues with this development—fixing the items that are still broken, mostly having to do with stormwater management and grading. As typical with other existing developments, there is usually something that cannot meet current requirements and require waivers. At the staff level this site plan is not being treated any differently than any other site plan. Mr. Shaool asked staff to email him a list of what is required. He would like to start work on the stormwater management issues this fall.

Mr. Brubaker referenced the conditions (on the back of Mr. Bockmiller's memo of July 30) and wanted to make sure there was no misunderstanding that it was all the attachments and not the six conditions enumerated. The first one includes the most of the individual issues. Mr. Bockmiller stated that those issues are mostly site plan level issues which were identified as part of the sketch plan process. Mr. Zoretich wanted to make sure that the list would not be "a moving target." Mr. Bockmiller said all the conditions will be locked down during site plan review and any other subsequent inspections that are held. Ms. Wheeler noted that some of the comments in the memo attachment are no longer applicable due to the court decision, however, there are certain things the commission expects with regard to landscaping, soil erosion and stabilization problems, access issues, etc. (items listed in the July 8 minutes). The developer also needs to address unification of the two properties.

Concerning the subdivision issue (consolidation of the two parcels), the Planning Commission did not believe this was a negotiable issue. Mr. Stone pointed out that the entire development has been treated as a single, unified project from the beginning. It would not make sense if something happened to one parcel and not the other. It was the consensus of the commission that cross easements would not be sufficient. Unifying the two properties needs to be taken care of before approval of the site plan. This needs to be a stand-alone item on the list of conditions. Mr. Kuczynski was concerned that if Mr. Shaool has a mortgage with two lenders there may be a logistics problem. Mr. Stone said there will be time to take care of that.

MOTION: (Thomas/Campbell) I move that we approve the sketch plan with the conditions outlined in the staff memo and the addition of the condition that the subdivision be unified.

DISCUSSION: Mr. Brubaker wanted it to be clear that voting for the sketch plan to move forward does not convey approval of the site plan. It also does not mean that other issues cannot be raised in the meantime.

ACTION: APPROVED (YES – Brubaker, Campbell, Stone, Thomas, Wheeler; ABSTAIN – Miller, Wright)

Adjourn.

It was moved and seconded that the meeting adjourn (6:20 p.m.).

8/26/2015

Approved



Debra C. Calhoun - Secretary