

**Planning Commission Hearing Minutes  
October 12, 2015**

<b>PC MEMBERS</b>	<b>PC MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>
Kate McConnell Alderman Russell Barbara Nicklas Arlene Perkins	Andrew Brown	Gabrielle Collard -Division Manager for Current Planning Jackie Marsh – City Planner Jeff Love – City Planner Brandon Mark – City Planner Scott Waxter- Assistant City Attorney Devon Hahn – City Traffic Engineer Carreanne Eyler – Administrative Assistant

**I. ANNOUNCEMENTS:**

Ms. Collard stated the City has entered in a contract with ERM who will be doing consulting work on specific sections of the Land Management Code. She mentioned that staff has their first meeting with them on October 26, 2015. There will be various stakeholders’ meeting as well as the meetings with the Planning Commission and the Mayor & Board of Aldermen to put together potential ideas for future amendments. Ms. Collard also stated that the Historic Preservation Commission is moving forward with four Historic Preservation Overlay designations and those will ultimately becoming forth to the Planning Commission for a recommendation. She concluded that in November the Department plans to bring background information for the East Street Small Area Plan to the Commission at a workshop.

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Approval of the **September 15, 2015** Planning Commission Meeting Minutes as published:

**MOTION:** Commissioner Nicklas.  
**SECOND:** Commissioner Perkins.  
**VOTE:** 3-0. (Commissioner McConnell abstained)

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Approval of the **September 21, 2015** Planning Commission Workshop Minutes as published:

**MOTION:** Commissioner Perkins.  
**SECOND:** Commissioner Nicklas  
**VOTE:** 4-0.

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Approval of the **October 9, 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.)

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**V. CONTINUANCES:**

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

**Planning Commission Action:**

**MOTION:** Commissioner Perkins moved to continue PC15-389FSI, Tranquility at Fredericktowne, to the November 9, 2015 Planning Commission Hearing.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

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**VI. MISCELLANEOUS:**

**B. PC15-652PCM, Planning Commission Modification, Clear View Business Office & Treatment Center**

Ms. Marsh entered the entire staff report into the record. There was public comment on this item.

Neil Esmeyer resident in the neighborhood stated that he is curious as to why a commercial business is granted the right to put up a fence or a wall outside of regulations but as a homeowner they are not able to do so. He feels as a resident that there is an unjust favor to commercial properties in the area over residential.

**Planning Commission Action:**

**MOTION:** Commissioner Nicklas moved for the approval of the modification as based on the three findings in Section 309 (j) as read into the record by staff and in accordance with the three findings per Section 821(d).

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

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**C. PC15-404PSU, Preliminary Subdivision Plat, Tuscarora Creek**

Mr. Love entered the entire staff report into the record. There was public comment on this item.

Victor White with Christopher's Crossing; LLC had a few concerns in regards to the Shared Use Path. He feels that the complete removal of the condition to construct the Shared Use Path from the Tuscarora Creek PND and placing it on the Bartgis PND is incorrect and unfair. He said that they have a few ideas one of which would be to leave this construction and design as a condition of the approval and require Tuscarora Creek to bond the design and improvements.

Dave Lingg of Lingg Property Consulting stated that he believes that conditions that have been placed on the applicants to design, construct and bond off-site improvements specifically road improvements, while right-of-way acquisition has occurred and would be possible in this situation. He doesn't know if there is anything incorrect by changing the condition to be bonded at such time prior to a later phase or modifying the note. He stated the Applicant cannot grant an easement on property that they do not own.

Mr. Smariga, representing the Applicant, Day Development Company LLC, agreed to include the design and construction of the Shared Use Path over the Bartgis property if an easement is granted prior to the commencement of Phase 6 of the Tuscarora Creek PND project.

**Planning Commission Action:**

**MOTION:** Commissioner Perkins moved to approve preliminary subdivision plat PC15-404PSU, Tuscarora Creek, with the following four conditions:

1. Revise General Note 7 to update the school site dedication to January 1, 2016.
2. Address outstanding County DUSWM comments.
3. Revise the note on the preliminary plan stating that the path improvement on the Bartgis property will be designed and constructed by the Tuscarora Creek Developer if an easement is provided prior to the commencement of Phase 6.
4. Revise phasing notes to include the shared use path construction in Phase 6.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

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**D. PC15-468FSI, Final Site Plan, Rosehill Plaza FMH Cancer Institute**

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

**Planning Commission Action:**

**MOTION:** Commissioner Nicklas moved approval of PC15-468FSI, Rosehill Plaza, with the six conditions to be met as read into the record by staff.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

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

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

**Planning Commission Action:**

This was the first of two required public hearings so no vote was taken.

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**Meeting adjourned approximately 8:00 p.m.**

Respectfully Submitted,

Carreanne Eyer  
Administrative Assistant

APPROVED 11-09-2015