

**CITY PLANNING COMMISSION
MINUTES OF MEETING
March 8, 2018 – 4:00 P.M.
TOWN HALL**

Present: Commission Members Mr. Melosky, Mr. Malozi, Mr. Stellato and Ms. Cohen; Staff included Darlene Heller and Tracy Samuelson of the Planning and Zoning Bureau, Matt Dorner, Tiffany Wells, Amy Rohrbach and Ziad Sayegh representing the Engineering Bureau and Attorney Edmund Healy attended as Solicitor to the Commission. Also present were Attorneys James Preston, James Holzinger and Derek Richmond and representing Mr. Negroa was Kevin Horvath with Keystone Consulting Engineers. Representing the press were Sara Satullo for the Express Times, Jacob Kise for 69 News and Daryl Nerl, freelance writer for the Morning Call.

1. APPROVAL OF MINUTES – February 8, 2018

Mr. Stellato made a motion to approve the minutes of the February 8, 2018 Planning Commission meeting. The motion was seconded by Ms. Cohen and passed with a 3 – 0 vote. Mr. Melosky abstained.

2. LAND DEVELOPMENTS AND SUBDIVISIONS

a. (17-009LD&S) – 17120503 – SWIM SCHOOL FACILITY- 3055 LINDEN STREET – LAND DEVELOPMENT – Ward 14, Zoned RR, dated October 31, 2017.

The above referenced land development plan is submitted for review and comments. The applicant proposes a one story 9,012 sq.ft. swim school facility with 79 parking spaces on a 1.3 acre lot. This site was previously approved as a personal care facility in 2015 in conjunction with the abutting pre-school building. Completion of associated public improvements are underway.

Mr. Negroa handed out a picture of the proposed project and shared a binder with pictures of the inside of the building. Kevin Horvath presented the land development plan. Mr. Horvath reminded the Commission that 2 years ago this property was approved as a single project spanning from Johnston Drive to Macada Road fronting on Linden Street. The project consists of 2 buildings- a pre-school building on a 1.5 acre lot which is currently under construction and a former assisted living building which is located on lot one and the subject of today's land development. Mr. Horvath described the previous plan for the assisted living facility. The applicant obtained zoning relief for building coverage and a special exception for the assisted living facility. The developer is proposing a Goldfish swim school which focuses on teaching children to swim. The classes will be weekdays and morning weekend classes. There is a road that will provide joint access to both properties with an easement agreement recorded in the courthouse which memorializes the access drive for use for both properties. The developer had previous approval for the assisted living facility and is changing that to the swim school. There is a supplement to the original traffic study which indicates there will be a minimal difference in traffic. It been reviewed by the City's traffic consultant.

Ms. Samuelson stated that in the rear of the lot a new driveway will be constructed to connect Macada Road and Johnston Drive.

Mr. Melosky has concerns since that will be an actual connecting road between Johnston and Macada. He asked if people will be trying to use that as a short cut during peak traffic hours. Perhaps putting in a speed bump or a "pork chop" should be required. Mr. Negroa stated that they have every intention of installing speed bumps for the protection of the children using the swim school. He stated that there is a "pork chop" in place at the Johnston Drive exit.

Ms. Samuelson said that the LVPC stormwater letter is still inconsistent.

Mr. Horvath replied that the project was deemed consistent with the comprehensive plan by LVPC, but the initial stormwater submission was deemed inconsistent with the stormwater management Act 167 plan. He has made revisions and resubmitted plans.

Ms. Samuelson inquired whether there will be night use as discussed at the Zoning Hearing Board meeting.

Mr. Negrao replied that the hours would be until about 8 PM. The school is designed for children and during the day they would be in school so there will be afternoon and evening hours. Mr. Horvath replied that any conditions that were attached to the special exception that permitted the use would have been noted on the plan and there were no attached conditions with respect to hours of operation.

Ms. Samuelson added that the revised plans should have minimal corrections and the next step would be to get cost estimates and to work on the developer's agreement once the plan is clean.

Mr. Stellato remarked that the main entrance of the building is not facing Linden Street, but facing the back. Mr. Horvath replied that was correct and referenced the drawings of the project. Mr. Negrao stated that what you see from Linden Street looks like the front of a building as opposed to being a flat plain back of a building. Ms. Samuelson remarked that there is a lot of window space. Mr. Negrao added that where the high windows are is where the pool is located so you get the natural light but people cannot look into the windows.

Mr. Horvath remarked that as far as landscaping goes, the project is landscaped to the hilt and the developer is contributing another \$25,000.00 to the City for trees on this lot that are required but are not able to be located on the lot.

Ms. Cohen commented that it would be preferable to have some sort of a walkway for anyone using those western parking spaces to cross. Mr. Horvath replied that the developer could provide some designated marked crossings. Ms. Cohen replied that she was asking about the handicap spaces but also one on each end of the curb cuts to slow people down.

Mr. Melosky added that Ms. Cohen makes a good point because we are dealing with children and that any way we can make this project safe is a great idea. It is something he suggested to add to a motion to incorporate Ms. Cohen's idea along with the speed bumps.

Mr. Malozi inquired if Mr. Horvath is in agreement with the conditions in the February 28, 2018 letter.

Atty. Healy asked Mr. Horvath if he disagrees with any of the recommendations.

Mr. Horvath answered that he has a question regarding the fee in lieu of trees, the tabulation, so he'll have to clear that up with the Zoning Officer.

Ms. Samuelson added that public street trees are not replacement trees but private property trees are and there were a lot of trees that came down here, 130 replacement trees. Ms. Samuelson inquired about the landscaping in front of the building. Mr. Negrao replied that there will be landscaping on the Linden Street side of the building.

Mr. Melosky asked about the type of landscaping. Mr. Negrao said that he would have a 5 foot area around the building with either stone or mulch and low lying bushes.

Mr. Melosky inquired if the Gold Fish Swim School is a franchise. Mr. Negroa replied that it is a franchise. Mr. Melosky asked if the other franchises were similar in size. Mr. Negroa replied yes. Mr. Negroa described the Gold Fish Swim School to the Planning Commission.

Mr. Melosky asked if there were any public comments at this time on the project at 3055 Linden Street. There were none.

Mr. Malozi made the motion to approve the land development plan for the Swim School at 3055 Linden Street conditioned upon meeting all the conditions outlined in the City's letter dated February 28, 2018, and adding striped walkways between handicapped spaces and the building. The motion was seconded by Mr. Stellato and passed 4 - 0.

2. **STREET VACATION**

a. **Request by R & M Gangji & M & K Gangji to vacate a portion of Pyatt Street extending from the eastern side of Covington Avenue to the western property line of Keystone Saving.**

Atty. Derek Richmond introduced himself as the attorney for the petitioners in the Pyatt Street vacation. He described the location for the street vacation as a section of Pyatt Street that extends from Covington Avenue east parallel to Easton Avenue. At the corner of Covington and Easton Avenue is the Gentle Family Dentistry, an office building property owned by the Gangji's. Behind it to the north is Pyatt Street and behind that at the corner of Covington and Pyatt is a residential property owned by the Gangji's. On the south side of that section of Pyatt Street are about a dozen parking spaces for the dentist office. This section of Pyatt Street is approximately 100 feet which dead ends into the BB&T Bank on Easton Avenue. This is not a through street. Presently the Gangji's clear and plow it since it is the parking for their dentist business. They have no plans to make any alterations to the street. Pyatt Street is not used by any other than the residential property and the dentist office, both of which are owned by the Gangji's.

Ms. Samuelson circulated pictures of the proposed Pyatt Street vacation. Ms. Samuelson referred to the memo from Mr. Dorner. There is a 20 foot wide easement which will remain in effect. The public works department has no objection of the vacation of Pyatt Street. Ms. Samuelson referred to the Planning Bureau memo dated March 1, 2018 regarding the Pyatt Street vacation and read the conditions of the memo.

Atty. Healy added that because both parcels right now are owned by the same party there is a problem with the merger doctrine obliterating the separate easement by virtue of them owning the same parcel, so I think we also need, not only the easement, but a declaration of covenants establishing the right of access to both parcels from the then vacated alley that can only be released with the consent of the Director of Planning and Zoning.

Atty. Richmond advised that he is happy to do that.

Atty. Healy added that the covenant would more or less repeat the concepts of the easement that are outlined here, but the covenant has to stay there in case they merge together. Atty. Healy does not want a successor interest to one property, say the dental practice, to become deprived or have compromised ingress or egress rights or the home owner who buys it separately, so we need a declaration of covenant protecting basically the ingress/egress rights and that covenant can only be released by the Director of Planning and Zoning.

Ms. Cohen inquired if there was direct access from Pyatt to the bank. Atty. Richmond replied no, that the alley dead ends to a grass and dirt strip with no direct access to the bank.

Mr. Malozi made the motion to recommend the approval of the vacation of Pyatt Street based on

the Holzinger, Harak & Scomillio letter dated December 21, 2017, Atty. Healy's condition of a declaration of covenant protecting the ingress and egress rights which must be filed and submitted to the City, and that all of the Public Works comments must be met. The motion was seconded by Mr. Melosky and passed 4 - 0.

4. **ZONING AMENDMENTS**

A. Proposed zoning amendment to address specific provisions for CRIZ parcels.

Ms. Heller presented the proposed zoning amendment to address specific provisions for CRIZ (City Revitalization and Improvement Zone) parcels to the Planning Commission. Ms. Heller described the need for qualified CRIZ projects to receive relief from dimensional requirements. As an example Ms. Heller referred to the Dempsey's Restaurant located on a pad site at the Westgate Mall. It would be just that building that would become the CRIZ parcel, and not any land area surrounding the building.

Mr. Stellato inquired if that would apply to every CRIZ parcel in the City. Ms. Heller replied yes.

Ms. Cohen inquired how the Westgate pad site is being separated from the Westgate mall. Ms. Heller replied that each CRIZ parcel has a separate tax parcel number.

Mr. Malozi inquired if it could be a subdivision. Ms. Heller replied yes.

Ms. Heller described that the CRIZ designation provides tax benefit to certain parcels in order to assist and encourage development and redevelopment of non-residential economic development projects.

There was some discussion to differentiate between the CRIZ qualified parcel and the support parcel. Atty. Healy provided revised language in the ordinance to clarify the difference between the two parcel types.

B. Proposed zoning amendment to prohibit fast-casual restaurants with a drive-through lane in the CB and CL zoning districts.

Ms. Heller presented the proposed zoning amendment to prohibit fast-casual restaurants with a drive-through lane in the CB (Central Business) and CL (Limited Commercial) zoning districts. Mr. Melosky inquired as to the explanation to the meaning fast-casual. Ms. Heller gave the example of Panera Bread restaurant which is between fast food and sit down dining.

Ms. Heller advised that the current zoning ordinance allows Fast Casual Restaurants with drive through lanes in several zoning districts, including CB and CL, although section 1322.03.s(6) state that "restaurants with drive-through service and prohibited in the CB and CL districts". The proposed amendment rectifies this discrepancy in the ordinance.

C. Proposed zoning amendment to address building coverage in the CB zoning district.

Ms. Heller presented the proposed zoning amendment to address building coverage in the CB (Central Business) zoning district to the Planning Commission. Mr. Malozi remarked that there is no requirement of office versus mixed use. Ms. Heller added that the first floor cannot be residential.

Mr. Malozi referenced note "b) (Note I)" in the ordinance and that in the Minimum Rear Yard Setback (ft.) ** and Minimum Side Yard Setback ** (each) (ft.) there should be "0 (Note B)" in the ordinance.

Mr. Melosky asked if there were any comments from the public about the zoning amendments.

Mr. Martin Romeril had questions regarding the CRIZ ordinance. Ms. Heller answered the questions. Mr. Romeril asked about protections in CB for abutting residential districts if 100% building coverage is approved in CB. Ms. Samuelson noted that protection already exists and will be continued. Mr. Romeril was satisfied with the answers and thanked the Planning Commission.

Mr. Malozi made a motion to recommend to City Council the approval of the zoning ordinance amendment addressing the CRIZ qualified projects including the relief from setbacks and lateral dimensions. The motion was seconded by Ms. Cohen and passed with a vote 4 – 0.

Mr. Malozi made a motion to recommend to City Council the approval of the zoning ordinance amendment addressing Fast Casual Restaurants in the CB and CL districts to prohibit drive-through service. The motion was seconded by Ms. Cohen and passed with a vote 4 – 0.

Mr. Malozi made a motion to recommend to City Council the approval of the zoning ordinance amendment addressing building coverage in CB district with the addition of “0(Note B)” added to the Min. Rear Yard Setback and the Min. Side Yard Setback. The motion was seconded by Mr. Melosky and passed with a vote 4 – 0.

3. DISCUSSION ITEMS

There were no discussion items for this meeting.

The meeting adjourned at 5:45 P.M.

ATTEST:

Darlene Heller, Commission Secretary