

**CITY PLANNING COMMISSION
MINUTES OF MEETING
December 9, 2021 – 5:00 P.M.
TOWN HALL MEETING**

Participants: Commission Members – Mr. Melosky, Mr. Malozi, Mr. Barker, Ms. Cohen and Mr. Burgos. City staff included Darlene Heller and Tracy Samuelson of the Planning and Zoning Bureau, Basel Yandem, Amy Rohrbach and Tiffany Wells of the Engineering Bureau, and Attorney Edmund Healy as Solicitor to the Commission. Attending in person were Mr. William Shaffer, Civil Eng., Atty. James Holzinger, Mr. David Ronca, Mr. Duane Wagner, Mr. Lewis Ronca, Mr. David Waglum, Mr. Stuart Carl Sellers, and Mr. Frank Kubler.

1. APPROVAL OF MINUTES – November 11, 2021.

Mr. Malozi made a motion to approve the minutes of the November 11, 2021 Planning Commission meeting. The motion was seconded by Mr. Barker and passed with a 4-1 vote. Mr. Melosky abstained.

2. LAND DEVELOPMENTS AND SITE PLANS

- A. 14-36 W. 3rd Street – Land Development and Lot Consolidation Plan – Ward 2, Zoned CB, plan dated August 9, 2021.** The applicant proposes to construct an 8 story multi-use building with 1st floor being 8,300 sf of restaurant and lobby area. Floors 2-8 will consist of 87 apartment units on a 14,758 sq. ft. lot.

Mr. William Shaffer, Civil Engineer on the project, presented the plan to the members.

Ms. Samuelson asked Mr. Shaffer to show the elevations on the project. She then went on to give the amounts that would need to be paid, the tapping fee would be \$194,680. This developer will work with the Planning Bureau and Public Works in preparing and implementing a landscaping plan for the abutting greenway. Also, the City asked that they consider 10% of their units as affordable units which would be 9 units. Ms. Samuelson also mentioned that the applicant is willing to explore many of the recommendations mentioned in the Environmental Advisory Council letter dated September 22, 2021, i.e., solar panels and energy efficiency measures.

Mr. Melosky asked Ms. Heller did this developer have to go before the HCC. Ms. Heller responded they did go before HCC before coming to the Planning Commission. HCC was pleased with how this developer was willing to work with them. HCC approved the appearance of the building.

Mr. Melosky asked if the City had a plan in place to make sure items are being done by the developer, i.e. solar panels, bike racks, etc. Ms. Heller stated there would be follow up to make sure these items are being done.

Mr. Malozi wanted to confirm that there is no vehicular access to the site – all vehicles will be utilizing the New Street Parking garage. Mr. Shaffer confirmed that any parking would be at the New Street Parking garage.

There were no comments from the public.

Mr. Malozi made a motion that the Planning Commission approve the land development and lot consolidation plan for 14-36 W. 3rd Street contingent upon the developer meeting all of the conditions outlined in the City's December 2, 2021 review letter. The motion was seconded by Mr. Barker and passed with a 5-0 vote.

- B. 1763 Madison Avenue – Site Plan Review - Ward 14, Zoned RT, plan November 4, 2021.** The applicant proposes construction of a 3 story building containing 12 dwelling units on a 0.53 acre lot.

Mr. Holzinger presented the plan to the Planning Commission members. Mr. Holzinger explained there is a neighbor to the south that has the right to use the shared driveway. There's a common easement on both sides. The applicant is proposing to take down the garage and the home on their property and put a fence up along the northern edge of the existing driveway which would show the separation between this development and the home to the south. Mr. Holzinger explained to the Planning Commission that this has been discussed with the neighbor and everyone is in agreement.

Mr. Holzinger went on to speak about the northern edge of Memorial Avenue which is on both the applicant's property and Memorial Cemetery. This is an unopened private alley. After speaking to the cemetery about splitting this area and moving the monument; the applicant agreed to move and restore the monument. Memorial Cemetery is very pleased with the finished product. Mr. Holzinger has a written agreement between the applicant and the cemetery which he will forward to Mr. Healy.

Ms. Samuelson reviewed the City's comments of their November 24, 2021 letter.

Ms. Cohen asked if the trash in back had an enclosure. Ms. Samuelson responded that it has to have a solid enclosure and it is allowed in the rear setback. Ms. Cohen asked if the number of parking spots is the required number or is it over the required number. Mr. Ronca responded it is over by 3 parking spots. Mr. Holzinger stated that there is plenty of parking available on Madison Avenue. Ms. Cohen agrees that some changes of material on the building frontage on Madison Avenue limiting the vinyl siding is a good idea.

Mr. Malozi wanted some confirmation on sheet 2, the property boundaries, based on the discussions with the cemetery. He asked if the discussions with the City on Memorial Avenue were agreed upon. Mr. Holzinger stated that he provided Mr. Healy with evidence that there are no public utilities in that area and that it was never formally accepted by resolution. Mr. Malozi asked will you be enabling the neighbor to reach their garage with a deed easement. Mr. Holzinger responded that there is an easement in the deeds as it stands but they would do a more refined one so that it is clearly understood that they have that right. Mr. Malozi also agrees with the requirement to upgrade the Madison Avenue façade.

Ms. Heller stated that this applicant will be going to the Zoning Hearing Board and the Planning Commission can make a motion to show support on the comments that are within the City's letter.

There were no comments from the public.

Mr. Melosky made a motion to forward to the Zoning Hearing Board that the Planning Commission supports the recommendation as it is listed in the City's November 24, 2021 letter and that the applicant is working with our City staff to create dialogue as it pertains to some of the design issues mentioned at tonight's meeting. The motion was seconded by Ms. Cohen and passed with a 5-0 vote.

C. 2854 Linden Street – Site Plan Review - Ward 14, Zoned RG, plan November 4, 2021. The applicant proposes construction of a 3 story building containing 36 dwelling units on a 2.97 acre lot.

Mr. Duane Wagner presented the plan and explained the variances needed for the project. The four variance requests are: 1) A minimal dimensional variance to decrease the required lot area per dwelling unit from 4,000 sq. ft. to 3,601 sq. ft. per dwelling unit that would result in four additional units being constructed in the building. 2) A dimensional variance to go from 180 feet in building length to 220 feet. 3) Insufficient setback between the drive aisle and building from 15 feet required to 8 feet that results from a turning radius in a fire lane and 4) an accessory use variance to put the trash enclosure in the front yard.

Mr. Wagner stated that they will be adding a bike rack. Also, they will be exploring solar power and also are willing to provide electric vehicle charging stations.

As it stands now, the property is accessible through Butztown Road. The low point of the property is on the northwest corner which is where the stormwater pond would be located. The trash enclosure is on the east side of the property and will be buffered by existing trees and additional trees that would be planted.

The applicant met with the Fire Department and Fire Marshall and they are in agreement with the building being 220 feet in length which will give emergency vehicles four sides of access. Mr. Wagner reviewed the City's comments on their December 3, 2021 letter regarding the building facing Linden Street. He explained that facing the building on Linden Street would create traffic issues. Facing Butztown Road there would be no headlights shining in the neighbors' properties.

Mr. Melosky asked the City staff why the City prefers the building to face Linden Street instead of the Butztown Road. Ms. Heller stated that the City has been consistent and prefers for parking to be at the back of the building.

Mr. Barker asked Mr. Wagner about the access road behind the property. He asked if that was a requirement from the Fire Department or was it something that the applicant wanted to add. Mr. Wagner responded it was something they added but the Fire Department was in approval as it gives them full access and it would be for emergency use only. Mr. Barker asked about the dumpster being too far for the residents. Mr. Wagner will continue to evaluate where the best place is to place the dumpster.

Mr. Barker agreed that it made more sense for the building to face Butztown Road.

Ms. Cohen recommended the building face Linden Street. She also mentioned she would rather see the trash dumpster farther away from the single-family dwelling units. She stated that if the building faced Linden Street, the Fire Department would be able to access from Linden Street and from the parking in the rear and it would not require the whole driveway in the back. She would like them to consider her comments.

Mr. Wagner stated they would look at all options and consider all comments.

Mr. Melosky added that the traffic on Linden Street is extreme and it would be better on Butztown.

Mr. Burgos asked if there are catch basins on their parking lot. Mr. Wagner stated he did not know if there were any but if so, they would drain to the pond.

Mr. Burgos asked if there would be any matting put on their basin. Mr. Wagner responded it would be added as needed.

Ms. Cohen stated it is appropriate to align the building along Linden Street like those properties to the north. The Linden Street façade would not need a door.

Mr. Malozi would prefer the building to face Linden Street. If the building stays facing Butztown, he would recommend changing materials for the aesthetics of the western (Linden Street) façade.

Mr. Malozi added that sidewalk is a great addition to the Linden St. side but asked if they would also provide a delineated pedestrian path to connect to the sidewalk onto Butztown Rd.

Ms. Samuelson suggested a hammerhead driveway on the two sides of the building after discussions with the City and Fire Department. Ms. Samuelson stated that the Linden Street façade should be revised if the building is staying on Butztown Road.

Mr. David Waglum, 2830 Linden Street, #B4, said his questions are on the aesthetics and landscaping. He stated that the dumpster should go anywhere but the southeast and southwest corners of the property. These are the corners closest to their homes. He wanted to know about the buffer that is going to go on the south side and east side of the property. His concern is noise and aesthetics. He wants to know the kind of landscaping they

are planning to put in there. He wanted the Planning Commission and the developers to know that the residents at Lark Court Condominiums just have concerns regarding noise and odor.

Mr. Stuart Carl Sellers, 2830 Linden Street, appreciates the position of the building but he would want the dumpster placed at a different location. He also asked about the lighting on the back of the building. Mr. Wagner stated it would be low lighting in the back. Mr. Sellers stated the road around the rear is a concern. He understands the Fire Department wants the road but they would not be able to police that road and folks would be driving around that road. Mr. Wagner stated it would be limited access. There would be either a chain or bollards to prevent vehicular access other than for emergencies. Mr. Sellers asked about mailboxes. Mr. Wagner stated that there would be a cluster of mailboxes in the front. Mr. Sellers also asked about commercial office space. Mr. Wagner stated that there would not be any commercial use at that location. Mr. Sellers stated that traffic is a concern on Linden Street.

Mr. Frank Kubler, Lark Court Condos, #8D, wanted to know if they can provide the Fire Department access to the road without putting macadam. Mr. Wagner responded that they could consider impervious pavers. Mr. Kubler stated that it took him 12 minutes to make a left on Linden Street this week to show an example of how bad the traffic can be at that intersection.

Mr. Healy asked Mr. Wagner if the orientation of the building is to front on Linden St., does that affect the number of variances that he would need. Mr. Wagner responded it could impact needing additional variances. Mr. Healy also asked if it would affect the functionality of the detention pond. Mr. Wagner responded it could certainly impact it.

Mr. Malozi made a motion to forward to the Zoning Hearing Board that the Planning Commission supports the Zoning variances requested by the applicant, specifically the variances regarding the building length, the number of units, 15 foot dimensional variance to the parking lot, and the location of the dumpster within the front yard, with the conditions that the Zoning Hearing Board consider the public comments and the comments from the Planning Commission as well as the additional comments related to overall land development that are included in the City's December 3, 2021 letter and the general minutes from the December 9 Planning Commission meeting. The motion was seconded by Mr. Barker and passed with a 4-1 vote. Ms. Cohen voted no. The dumpster setback variance, if granted, would allow for flexibility in its ultimate location.

Mr. Barker made a motion that the Planning Commission supports the building orientation the way it is facing Butztown Road. The motion was seconded by Mr. Melosky and passed with a 3-2 vote. Ms. Cohen and Mr. Malozi voted no.

3. DISCUSSIONS:

Ms. Heller discussed having a second meeting in January to discuss updates on SALDO. Ms. Samuelson reviewed some next steps related to finalization and adoption of SALDO.

The meeting adjourned at 7:10 p.m.

ATTEST:

Darlene Heller, Commission Secretary