

## PLANNING COMMISSION MEETING

*October 8, 2015*

The Planning Commission convened in Courtroom No. 1 at City Hall for their regular meeting. Chairman Komjati called the meeting to order at 7:30 PM. He asked the Secretary to call the roll. Members in attendance were Ms. Leah Kuhlmann, Ms. Carol Fleck, Ms. Christine Shoop and Chairman David Komjati. Mr. Mark Wainwright was absent. Also present was the City Manager, Anthony Carson, Assistant City Manager/Community Development Director Douglas Lewis, City Planner Lynn White, Assistant Law Director James Lyons, and Secretary Tina B. Pomfrey.

**MINUTES:** Chairman Komjati asked for additions or corrections for the Planning Commission Meeting of September 10, 2015. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Ms. Kuhlmann to accept the Planning Commission Meeting Minutes from September 10, 2015 as written.. Chairman Komjati asked the Secretary to call the roll. On Roll Call, Ms. Fleck, Ms. Shoop, Ms. Kuhlmann and Chairman Komjati said “yes”. Motion carried, 4-0.

Chairman Komjati stated the first item listed on the Agenda is the tabled business for Fast Auto and Truck. He called for a motion to remove the matter from the table. Ms. Shoop moved, seconded by Ms. Kuhlmann, to remove the matter from the table. On Roll Call, Ms. Shoop, Ms. Kuhlmann, Ms. Fleck, and Chairman Komjati answered “yes”. Motion carried, 4-0.

### **TABLED BUSINESS:**

**Temporary Structure and Uses:** J. Federico/Fast Auto & Truck has made application for the determination of one (1) trailer in accordance with Section 1137.12 (a)(1). Mr. Federico is proposing to place the trailer at 61 South State Street as a temporary office for Fast Auto Sales and Leasing after demolition of the structure at 61 South State Street.

City Planner Lynn White stated that the applicant requested to withdraw this matter. Ms. White explained that Mr. Federico would be applying for a demolition permit for the structure and will be submitting plans for new construction sometime in the future. The auto sales and leasing office has been temporarily relocated to 71 South State Street.

Ms. Shoop moved to dismiss the matter from the table, seconded by Ms. Fleck. On Roll Call, Ms. Kuhlmann, Ms. Fleck, Ms. Shoop, and Chairman Komjati answered “yes”. Motion carried, 4-0.

### **Administrative Report**

#### **Preliminary Plat: request for an extension - Heisley Park Residential Subdivision - Phase XX**

Chairman Komjati requested a motion to remove the Preliminary Plat request for an extension from the table. Ms. Kuhlmann moved to remove the item from the table, seconded by Ms. Shoop. On Roll Call, Ms. Fleck, Ms. Shoop, Ms. Kuhlmann and Chairman Komjati answered “yes”. Motion carried, 4-0.

City Planner Lynn White explained that the City and the developer have been working together on Condition #6 that was placed on the project in October 2014, outlined in the original memorandum of August 31, 2015. The condition stated that the parties would come to a written agreement as to the location of the park in the remaining phases of the subdivision. Additionally, a date when the park will be dedicated to the City will be determined and the City will have a legal action for specific performance to have this land conveyed to the City if the land is not dedicated to the City by the specific date. Ms. White stated that this issue has been resolved. The Preliminary Plat Phase XX application has been reviewed by the Staff and found to be in compliance of Section 1109.07 of the City’s Codified Ordinances with some minor housekeeping issues that are outlined in the memorandum to the Planning Commission. The outstanding item regarding the Hydrogeologic Study has been submitted by the developer and reviewed by the City Engineer. The Administration therefore recommends approval of the Preliminary Plat with the conditions outlined in the memorandum dated August 31, 2015.

Chairman Komjati asked if the Commission had any questions. Ms. Shoop stated that based on previous discussion the Planning Commission had regarding the park, she was under the impression that the park belonged to the Heisley Park Homeowners Association (HOA). She asked the Administration to explain the meaning of the dedication to the City.

Mr. Carson explained that the original agreement for the park was between the City and the developer. The City’s legal counsel advised that in order to better meet the stipulations placed on the land by the City, the ownership would be first be assumed by the City. The City will then enter into an MOU prior to the transfer to the HOA. The City then will have time to transfer the land to the HOA along with the restrictions and conditions placed on the developer by the City and then the land will be transferred (to the HOA).

Ms. Shoop asked if, ultimately, Heisley Park would control this park. Mr. Carson replied yes and stated that the City has a statement from the HOA. Ms. White said she received correspondence from Nick Catania of the Heisley Park HOA Board. The letter stated:

*The Heisley Park HOA board has voted to unanimously accept the green space south of Spruce in the Heisley Park development. In accordance with our governing documents, the board can accept land by vote of the HOA board members. The ability to accept this land has been reviewed and approved by our legal counsel.*

*Additionally, we have completed a financial review with our management company, Barnett Management. The Heisley Park HOA has the funding to develop this land in the future. Prior to development, the Heisley Park HOA board would solicit input from the residents prior to proceeding.*

Ms. Fleck moved, seconded by Ms. Shoop, to approve the Preliminary Plat request for the Heisley Park Residential Subdivision Phase XX with the stipulations outlined in the memorandum of 8.31.2015, including the name changes to Sheet 1 of the Title Page to the appropriate individuals and the general notes of the Plat Review per Section 1109.07 of the Codified Ordinances. On Roll Call, Ms. Shoop, Ms. Kuhlmann, Ms. Fleck and Chairman Komjati answered “yes”. Motion carried, 4-0.

#### **OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION**

Ms. White updated the Commission on the Design Review submittals of August and September. She explained that a Certificate of Appropriateness was issued to 170-174 East Main Street for the painting of the ground-level portion of the building facade. The colors chosen were complimentary to the surrounding buildings and should enhance the appearance of the structure. Additionally, a Certificate of Appropriateness was issued to 255 Richmond Street for exterior renovations. Dunkin Donuts/Baskin Robbins requested a corporate sign change that included new colors on the façade of the building.

As a note, the next regularly scheduled meeting of Thursday November 12 will be held in courtroom #2 due to the 2016 Budget Hearings that will be held in Courtroom #1 on the same night.

Chairman Komjati asked for a motion to adjourn. Ms. Shoop moved, seconded by Ms. Fleck. On Roll Call, Ms. Kuhlmann, Ms. Fleck, Ms. Shoop, and Chairman Komjati answered “yes”. Motion carried, 4-0. The meeting was adjourned at 7:40 pm.

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Tina B. Pomfrey, Secretary

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David Komjati, Chairman