

Planning Commission Work Session

October 28, 2014 – 5:00 p.m.

NDS Conference Room

Commissioner's Present

Dan Rosensweig - Chairperson
Genevieve Keller
Jody Lahendro
John Santoski
Kurt Keesecker
Lisa Green
Taneia Dowell

Staff Present

Missy Creasy
Lisa Robertson

Mr. Rosensweig called the meeting to order at 5:00 pm

Agenda

1. Technology Discussion
2. Update on Community Planning Efforts
3. Unified Development Review Code
4. Market Plaza Project

Technology Discussion

Mr. Tolbert stated the BAR is interested in receiving plans digitally. This would entail having plans scanned and could possibly be quite time consuming. Mr. Tolbert said he would continue to question the BAR on how much material they wanted to receive digitally. The question was asked if the digital plans would be applicable to certain areas.

Mr. Tolbert said we might need a devoted person just to handle scanning and sending out the digital work.

Ms. Green asked if they would still use their iPads. Mr. Tolbert said if the group thought of something else they would like to use, please let him know.

Mr. Rosensweig asked if we could have a faster device like a computer and would it be possible to put it in a format which could support the size of site plans.

Mr. Tolbert thanked everyone for their input and he would send additional information via email.

Market Plaza Project

Mr. Rosensweig gave Mr. Huja the opportunity to speak.

Mr. Huja outlined the standard of review for an SUP as well as noted that many of the conditions listed were design related or Market operation related. He noted that Council will be making a determination on the closure of First Street.

Mr. Powe asked if he could address the commissioners first, and it was agreed to have Mr. Powe included in the discussion of this project.

Mr. Powe said his concern is not design feedback but the process of two entities both reviewing the same design, looking at design aspects instead of zoning aspects and how that mechanism works. He said if the Commission has design comments in addition to the three issues that the SUP addresses perhaps those could be submitted to the BAR through the BAR representative and vetted as design issues with the BAR.

The Commission discussed the draft conditions put together by staff.

SP-13-10-19: PROPOSED SPECIAL USE PERMIT CONDITIONS for Water Street Plaza (“Development”):

The commission had detailed conversation about the potential conditions. The following topic area and language was moved forward:

General

- 1) The design, height, density, and other characteristics of the Development shall be essentially the same, in all material aspects, as described within the application materials dated October 14, 2014, submitted to the City for and in connection with SP-13-10-19 (“Application”). Except as the design details of the Development may subsequently be modified to comply with requirements of a certificate of appropriateness issued by the City’s BAR, or by any provision(s) of these SUP Conditions, any change of the Development that is inconsistent with the Application shall require a modification of this SUP.

Massing and Scale

- 2) **Visual impacts**. The developer shall work with staff and the Board of Architectural Review to minimize the visual impacts of the building on the South Street, Second St., S.W. and First Street elevations, to the satisfaction of the BAR, while still maintaining a financially viable project.

- a. In the design and layout of the Development, the City’s historic street grid pattern shall be respected. Although First Street may not ultimately be used or

maintained by the City for vehicular traffic, site design shall nevertheless reinforce, visually or otherwise, the historic layout which connected Lee Park and the Downtown Mall, on the north, to Garret Street, on the south. Visual and Pedestrian access shall be maintained as part of the development.

b. The Commission wanted to include the following language from the PLACE June 5, 2014 memo on this development as a recommendation to the BAR: Building massing and scale should respond to the very different building scales along Water Street, South Street, Second Street SW and First Street without losing the integrity and simplicity of its own massing.

c. Discussion took place about setbacks and stepbacks needing to be identified in the SUP but no determinations were made on what these should be.

d. All outdoor lighting and light fixtures shall be full cut-off luminaires.

e. Transparency and Entrances/ openings shall be provided along street walls, consistent in character, and sequencing, with the historic district, in order to enhance pedestrian experience along street frontages. It needs to be communicated to the BAR that the Planning Commission is in favor of having openings

f. Balconies: The owner's documents are required to regulate what may happen on the balconies.

Uses

The commission had detailed conversation about the potential conditions. The following topic area and language was moved forward:

3) **Public Use of Open-Air Plaza**: The Plaza shall be and remain an open-air plaza throughout the life of the Development and include pedestrian links.

g. The Plaza may not be surface parking. The Plaza should be perceived as a plaza/public space, not as a private parking lot, when not in use.

The Commission wants to communicate to Council outside the conditions that Council should denote the frequency of events to make sure the Plaza is open to the public as much as possible.

h. The general public shall have a right of access to and use of the Plaza and this right of public access shall be recognized within a written instrument recorded within the City's land records prior to the issuance of any building permit for the project. A copy of the recorded instrument, with deed book and page references, shall be submitted to the City along with the first request for a building permit for the Development. The public's right of access shall be subject to a right of the property owner, or its tenants, to reserve the Plaza, during discreet time periods, for events which may not be open to the general

public. Following any such event, the Plaza shall promptly be returned to a clean condition, suitable and attractive for use as a public gathering space. The pedestrian ROW to the Plaza will remain open at all times (even during private events).

i. The Plaza shall have a public market appearance and layout. The design and construction of the Plaza shall be such that invites and facilitates its use as a public gathering space. The Plaza shall incorporate public amenities such as but not limited to a water feature, art, trees, benches or other seating areas, and/or other amenities that invite individuals to utilize and enjoy the Plaza in a manner similar to an urban, public park.

The Planning Commission would like the following statements from the June 5, 2014 memorandum from PLACE to be specially recommended for BAR consideration:

Market space/Plaza should contribute positively to the city's public space network
Market plaza and/or street should be a memorable public space, worthy of Lee Park and the Downtown Mall.

j. A plan prepared to a scale of 1 inch = 10 feet shall be provided as part of the proposed final site plan for the Development, depicting the Plaza and all amenities to be included in the Plaza, such as: water features, paving surfaces and materials, benches, trash receptacles, landscaping, etc. Included in this plan shall be a schedule of site furnishings to be provided on the Plaza, including any shelter areas or shading devices, benches, bicycle racks, trash and recycling receptacles, and other associated furnishings. All amenities and furnishings shall be of a scale and nature that encourages public use of the Plaza and that is compatible with the character of the Development and the City's Historic District guidelines. The site plan submission must include the layout for the Plaza on Market days. (As that is changed, new versions must be submitted to NDS)

4) **Noise:** on and within the open air plaza, and other exterior areas of the Subject Property, no human voice, and no instrument, machine or device, including any device that amplifies sound, shall be used or operated in a manner that causes a sound generation of seventy-five (75) db(A) or more, at a distance of ten (10) feet or more from the source of the sound generation. The prohibition of this condition shall not apply to any sound generation which occurs as part of the Farmer's Market authorized by this permit.

On-site parking garage: The on-site parking garage shall meet the following requirements. The commission had detailed conversation about the potential conditions. The following topic area and language was moved forward:

k. The garage shall be designed to accommodate potential future access to/from the Property located to the east of the Development site ("Adjacent Property") through provision of alternate access design, such as knock out panels. The accommodation for the potential future access shall be depicted and labeled on any proposed final site plan

and building construction plans submitted to obtain any building permits, and shall include the provision of an access easement. The owner of the Property shall negotiate an agreement regarding operating and construction costs, maintenance, liability, hours of operation, design and traffic flow, etc. for such access, with the owner of the adjacent property, at such time as the Adjacent Property is developed or redeveloped.

Traffic:

I. There shall be no more than one (1) vehicular entrance or exit, for the development which can be no more than 2 traffic lanes total unless the traffic study denotes more are necessary. There will also be a separate entrance/exit for pedestrians providing access to the parking area.

The Planning Commission wanted to include comments received from the tree commission as a condition. There was concern that the tree commission may have viewed an earlier draft of the development which did not include the up to date landscaping plan. The Planning Commission will review the updated development plan and determine if the tree commission comments have been met at the next meeting.

“The Tree Commission strongly recommends that the Planning Commission recommend Council require the developer to:

- provide additional trees along all street frontages; and
- provide trees on the market plaza level using roof planting methods that do not hinder the Market’s operations.”

Discussion by Commissioners: Balconies, City Market, Garage Entrance and the Sails. (No conditions were determined)

Mr. Keesecker said the opening of the street on 2nd street where the market goes into the building and the infrastructure that goes into the end of it doesn’t match anything across the street. The BAR should work with the applicant to reflect and determine how many openings should exist.

Ms. Keller commented about the possibility of unnecessary signage and garbage on the balconies. May be this is something the Home Owner’s Manual should include (HOA). Ms. Robertson said staff could approve a set of guidelines in the SUP which would call attention to balconies.

Ms. Green said this has nothing to do with the design but it should be very detailed.

Mr. Santoski said we are not opposed to balconies, just what is on the balcony.

Mr. Rosensweig said the frequency in the number of times the plaza is not open falls into recommendations for the City Council to talk about.

According to the Tree Commission there should be additional trees in the plaza and along the corridor as well as along all street frontages. The planting method should not hinder the market.

It was stated that the RFP did not show trees on South Street.

The Planning Commission stated the Plaza shall have a modern market appearance and layout. The design and construction of the Plaza shall be such that invites and facilitates its use as a public gathering space. The Plaza shall incorporate public amenities such as but not limited to an urban park.

Mr. Powe was asked to submit a market day layout.

The Planning Commission talked about the punch out of the retaining wall and it should have a punch access from a separate entrance put in a punch now and the BAR is to sit the perimeters.

Ms. Green said Water Street east and west bike corridor goes through the city, when it is developed it is good to take the impact on 2nd street which is a huge help for that corridor. There shall be no more than one (1) vehicular entrance or exit, not more than 30 feet wide, along each of the following street frontages: Water's Street South Street

However, one (1) single opening, not exceeding the width specified above, may be used as a combined entrance/ exit.

Mr. Powe said more than 30 feet is needed for the driveway entrance.

Mr. Keesecker asked if the engineers looked from 2nd to 1st and was it approved to make a left turn east and west. How do you make the left? Can you only go right....has it been engineered.

Ms. Green is in favor of the condition of one lane in and one lane out.

Ms. Keller would like to see a separate pedestrian exit as a requirement and the requirement for a traffic study.

Ms. Keller also noted there should be a separate pedestrian exit. No more than one exit out unless a traffic study required.

Mr. Powe stated that the vendors do not want to cover their goods. The sails are not to protect the vendor products but used as a shading device.

Current Community Planning Efforts

Staff provided a memo which included status on each of the four projects underway.

Mr. Keesecker – asked how the Code Audit portion that relates to procuring digital modeling of the city in growth areas and he would like to have the key growth areas defined.

Mr. Rosensweig – what technology and modeling is being considered for the growth areas.

Ms. Green asked what role the Planning Commissioners is playing in modeling of the city growth areas.

Ms. Creasy said Planning Commissioners are welcomed to give comments along with the staff report to City Council meeting. She said City Council will be voting on the plan of action for moving forward.

Ms. Green said at the MPO level they are working on timing lights from Emmett St into the city and wanted to assure that the bike master plan is included so the timing of lights are considered for pedestrian crosswalks.

Unified Development Review Code

Staff presented the unified code and noted a few questions it is hoped to receive feedback on from the Commission prior to including this item for public hearing in December 2014.

Ms. Keller asked if the language presented was substantially changed from the language existing.

Mr. Rosensweig asked Ms. Creasy about the timeframe for moving forward with this language

Ms. Creasy said the intent of the unified code was not to make substantive changes to the site plan or the subdivision regulations. It was to take the regulations which are redundant between the two as well as conflicts between the two and to make the process clearer and place it all in one location. She said any proposed changes from a substantive perspective would come forward at a later time.

Mr. Keesecker said if someone has a site plan to submit or a parcel that is not going to be subdivided, is it clear that the regulations that would apply to subdivisions will not affect their site plan approval.

Ms. Creasy stated that there are some items that are subdivision specific and in a separate section. She said whether you are doing a subdivision or site plan you should go through path one and add on path two if a subdivision is involved.

Ms. Keller said are the only changes shown in the highlights and everything else is existing language.

Ms. Creasy said existing language is re-organized. Commissioners asked to review the more detailed markup version. Staff will forward it following this meeting.

Ms. Robertson said it is not changed substantially. She said there might have been two almost identical submission requirements, one in the subdivision ordinance and one in the site plan ordinance. There might have been a little editing but the change would have been to clarify.

Ms. Keller asked if anything has changed other than to unify or clarify and that was confirmed by staff.

Public Comment

Travis Gale commented that Market Plaza is a very tall building for the area. He said he would like the setback to be 10 feet. He would like to see stormwater conditions carried out on the SUP.

Lena Seville commented on the 110 vendors and 1100 sq. feet for vendor space, even with small walk ways it could eventually be 15000 sq. feet. She said now it is 25000 sq. feet of open outdoors space, with 9,000 enclosed. She would like to see 25000 sq. feet of open outdoors space and she is in favor of the trees.

Adjourned 7:45