

**PLANNING COMMISSION
REGULAR MEETING**

**TUESDAY, MARCH 17, 2015
7:30 P.M.**

The meeting was called to order with Mr. David Cosnek presiding.

MEMBERS PRESENT:

David Cosnek, Chairman
Charles Kyle, Vice Chairman
Bill Fitzgerald, Board Member
Fred Lutz, Board Member
Bob Owens, Board Member
Tom McDermott, Township Solicitor
Shawn Wingrove, EIT
Laura Ludwig, Township Community Development Director
Cheryl Cherico, Recording Secretary

MEMBERS ABSENT:

None

OTHERS PRESENT:

Mark Schmidt, Hampton Technical Associates
Kurt Meeske, Clover Construction

UNFINISHED BUSINESS:

Mr. Cosnek called for a motion to approve the minutes from the February 17, 2015, meeting.

A MOTION WAS MADE BY Mr. CHUCK KYLE, SECONDED BY Mr. FRED LUTZ, TO APPROVE THE MINUTES FROM THE FEBRUARY 17, 2015, MEETING. MOTION CARRIED.

NEW BUSINESS:

- 1. Application 2015-05 CU – Lancaster Land, LP/ Clover Group Conditional Use**
Application - Application for a conditional use for Garden Apartments, approximately 119-126 units, on 7.12 acres of land at 7430 Steubenville Pike in a B-2 General Business Zoning District.

Mr. Cosnek asked a representative to approach the Board.

Mr. Schmidt and Mr. Meeske approached the Board.

Mr. Schmidt said they had applied to the Zoning Hearing Board for variances and the hearing is set for next week. He said there are six variances that they applied for and one deviation or modification that is required as part of the conditional use application.

Mr. Schmidt said the first variance is for the parking count. He said the proposed site plan includes 152 parking spaces, which represents a ration of approximately 1.2 parking spaces per unit. He pointed to a drawing set up for the Board Members to see. He said the ordinance requires 2.5 spaces per unit for Garden Apartments, but they have found that 1.2 is more than adequate for their type of senior restricted building.

Mr. Schmidt said the next variance is for the maximum number of units. He said they are proposing approximately 128 units in the one structure and the ordinance requires a maximum number of units per building of 30.

Mr. Schmidt said other requested variances are for the requirement of one deciduous tree for each dwelling unit, the requirement of one internal landscape island for every 10 parking spaces, the requirement of at least one shade tree in each interior landscape island, and the requirement that 20% of the area to be occupied by parking spaces be shaded. He said landscape islands can be a hazard for the elderly when getting in and out of a vehicle. Without the landscape islands, there would be no need for the trees and shading.

Mr. Schmidt said the last request is for a deviation from the requirement that Bufferyard A includes two rows of plantings for the approximate 240 foot length of the detention pond to the south of the pond. He said they would like to plant one row of trees at the base of the pond and one row of trees at the top of the pond.

Mr. Kyle asked if that was adequate parking for tenants and their guests.

Mr. Meeske said they typically use a ratio of 1 parking space per unit and the .2 would be for guests. Because of the age of tenants, he said not all have a vehicle. He said this ratio was being used for a recent construction project at a former school site in Bethel Park.

Mr. Owens asked how many of these types of building the company has built.

Mr. Meeske said they have 20 that have built.

Mr. Owens asked when the business started.

Mr. Meeske said the oldest building is seven years.

Mr. Owens asked if at any time, any of these buildings changed hands.

Mr. Meeske said no, they keep all of the buildings they construct.

Mr. McDermott asked where that recent project he mentioned was located.

Mr. Meeske said it was the former Logan School site in Bethel Park. He said he has a project in front of Bethel Park also and was at a hearing for it last week. He said they are doing a text

amendment change to allow senior housing as a classification which was non-existent in their zoning code. He said it was approved and the ratio was being locked in at 1 parking space per unit for senior housing for the future.

Mr. Fitzgerald said the Board had a conversation prior to the meeting and it was brought up that if this facility would ever change hands down the road and the scope of what type of people were to live there would change, this would be inadequate parking. Since there would be extra land there, would the applicant be opposed to some kind of contingency if the building would change hands that more parking could be added if need be.

Mr. Meeske said he didn't find that an unworkable situation.

Mr. Cosnek said the area to the left on the drawing could be converted into additional parking if needed. He asked if that area was lower than the building site.

Mr. Schmidt said it is actually higher than the building location. He said it could be one of those situations where there would be a slight incline to an upper field parking area.

Mr. Fitzgerald said it is relatively flat in that area even though it is wooded.

Mr. Schmidt said yes.

Mr. Cosnek said right now the age restriction is for 55 plus with a maximum of two people per unit.

Mr. Meeske said yes, and about 80 percent of their renters are single.

Mr. Kyle said Mr. Meeske had mentioned during last month's meeting that the majority are typically older than 55.

Mr. Schmidt said if the building would change hands, wouldn't it have to come back to the township for approvals.

Mr. McDermott said that is the challenge because this use is a garden apartment and not necessarily senior housing, so it would need a covenant in the deed or some other restrictive solution.

Mr. Meeske said since there isn't a senior restricted classification.

Mr. McDermott said that was correct. He said for example many places have parking privileges whether they are free or paid and the owner regulates how many parking spaces their tenants are allowed. He asked if the Lancaster Land, LP/Clover Group would be willing to regulate the number of spaces per tenant and if that would be acceptable.

Mr. Meeske said that was another way of skinning the cat, but yes, they would find that acceptable.

Mr. Schmidt said whatever way the Township is comfortable whether it is a conditioned approval or some other method.

Mr. McDermott said in that way for the Board's information as well, if they fashioned a condition such as that or asked the Zoning Hearing Board to do so then that condition would run with the land or the variance so that anyone that occupied this would be required to regulate their parking privileges so that it never exceeded the number of spaces they have.

Mr. Schmidt said or they could expand the parking spaces.

Mr. McDermott said they could skin the cat either way by adding spaces or withhold cards.

Mr. Meeske said he actually ran into a couple of rental situations where parking in the basement was X amount of dollars for your first car and the second car was double that amount. He said sometimes it is cheaper to get rid of a second car than to pay a monthly fee to park it.

Mr. McDermott said that could solve that problem and leave it up to the owner to decide what they needed to do to meet that ratio.

Mr. Kyle asked how many trees were they going to be short from what is proposed and what is required.

Mr. Schmidt said the amount would be one tree per unit so roughly 128 trees.

Mr. Kyle said he just counted and there are 53 trees on the plan so that makes them about half short.

Mr. Schmidt said he would accept that, roughly a little less than half.

Mr. Kyle said in the Bufferyard A at the bottom of the plan, the applicant was proposing no trees in that area.

Mr. Schmidt said it is actually not permitted by ordinance because of the stormwater detention pond. He said that is why they are asking for relief on that one.

Mr. Kyle said that detention pond butts right up against a couple of Hankey Farms properties.

Mr. Schmidt said there would be a narrow band of existing vegetation along there.

Mr. Owens asked what the blue colored area along there on the plan represented.

Mr. Schmidt said that blue shaded area represents where they would be planting additional trees to maintain the bufferyard. He said the areas on the plan colored in red would be areas that would be left as they are now. He said they would be adding trees in all of the blue areas.

Mr. Cosnek asked what was the reason for not having as many trees by the pond?

Mr. Schmidt said engineering wise they don't want planted trees or vegetation in the berth or dam of the detention pond.

Mr. Fitzgerald said there is some additional space down in the blue area that some more vegetation could be added, correct?

Mr. Schmidt said yes, that would be planted per requirements of Bufferyard A. He said Bufferyard A requires two rows of trees be planted.

Mr. Cosnek said that is where the applicant is asking to reduce the planting.

Mr. Meeske said they are asking to plant the additional row of trees in the area on the other side of the pond, closer to the building.

Mr. Cosnek asked if anything was going into the island in the parking lot.

Mr. Schmidt said there would be a rain garden in there as part of the storm water management system.

Mr. Kyle asked if there was anything that could be done to satisfy the homeowners along the pond area that are going to be exposed and looking at that pond. He asked if they could have the option of having trees planted on their property to buffer and would the applicant be willing to provide those trees to them as a relief?

Mr. Meeske said within reason. He said they aren't looking to do a 100 foot buffer, but certainly they could accommodate.

Mr. Cosnek said Mr. Kyle is asking if what they couldn't provide on their own property in way of a buffer could be placed on the adjacent property owners' property.

Mr. Kyle said yes, exactly. He said he was just looking out for the homeowners that would be losing the wooded site behind their houses.

Mr. Schmidt said there is no reason why they couldn't agree to put one row of trees along there. He said what they would be leaving along there as existing vegetation and one row of planted trees should be sufficient.

Mr. Fitzgerald asked if the blue area was existing woods now.

Mr. Schmidt said yes.

Mr. Lutz asked what is the height of the breast on the detention pond.

Mr. Schmidt said the top of the dam is about 16 feet above the adjoining property.

Mr. Fitzgerald said that was a pretty decent height.

Mr. Kyle said it may be a non-issue for them then.

Mr. Cosnek asked if the Township required the pond to be fenced.

Ms. Ludwig said yes, the stormwater pond needs to be fenced.

Mr. McDermott said only during construction right?

Mr. Wingrove said no, permanently.

Mr. McDermott said sorry, that was another municipality.

Mr. Cosnek asked if it would have fencing and some low shrubbery then.

Mr. Schmidt said as long as the engineer was okay with that.

Mr. Wingrove said no, they want to stay away from planting trees or anything substantial on that embankment. He said once they get to the toe of the embankment and if there is room there to plant, there would be no harm to the pond in that location. He said they want to try to keep the embankment itself clear of trees and shrubs.

Ms. Ludwig asked if they had a rendering of what that would look like from behind the houses in that area. She said the rendering they presented last month may not have been from behind these houses on the end, but if they could create one before the hearing it could be helpful.

Mr. Schmidt said the rendering that they brought last month was from further down Palomino Drive. He asked the Board to keep in mind that their property continues to slope away from the adjoining neighbors' properties so there would be an embankment all along there. In addition, they would be planting trees along the property line except where they can't encroach on the pond, but they plan to plant a row of trees along there.

The Board reviewed the comments of Ms. Ludwig and Mr. Wingrove.

Ms. Ludwig made the following comments:

1. This is an application for a conditional use for "Garden Apartments" at 7430 Steubenville Pike in a B-2 General Business Zoning District.
2. Please note: The applicant has chosen to apply for the conditional use first and will submit a separate land development application in the next few months, pending the conditional use approval. The Conditional Use public hearing will be on Tuesday, March 24th at 7:00pm. Further, the applicant has submitted an application to the Township's Zoning Hearing Board and the ZHB Hearing is scheduled for Thursday, March 26th at 7:30pm. The details of the variances requested are outlined later in this letter.
3. Lancaster Land, LP/ Clover Group is proposing to construct a 3-story garden style apartment building consisting of approximately 119-132 individual units on 7.12 acres of land on the former Hankey Farms ballfields.

4. The development, as proposed, will be an age-restricted (55+), affordable senior housing community. Based on my discussions with the applicant, the apartment building will be serviced by an elevator and will also have a library, community room, and hair salon for residents. A hair stylist would come in approximately three times per week for a certain number of hours each day to provide styling services to residents.
5. North Fayette Township's Comprehensive Land Use Plan, approved on April 22, 2014, identifies senior housing as a need within the community. Many seniors currently living in North Fayette are looking to downsize and sell their homes but want to remain residents of the community. These folks have limited options in the current housing market. The proposed affordable senior housing community would provide for-rent units that could meet the housing needs of several existing senior citizens in the community. The location along Steubenville Pike is ideal as it will be close to various services and amenities along the Pike and in the Tonidale and Pointe at North Fayette Shopping Areas.
6. The area and bulk regulations listed in Table 27-2 of the Township's Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Ordinance No. 418, states the maximum density allowed per acre in the B-2 District is 15 units per acre. The proposed parcel consists of a total of approximately 10 acres (7.12 of which will be disturbed). Thus, 150 units would be allowed on the site. Based on the proposed number of units, which is 119-132, the applicant will not need to apply for a density variance. However, they will need to seek a variance on the total number of units per building.
7. The applicant has applied for the following six variances from the Township's Zoning Ordinance that will go before the Township Zoning Hearing Board on Thursday, March 26th:
 - **Parking Count, Section 27-302.D:** The proposed Site Plan includes 152 parking spaces, which represents a ration of approximately 1.2 parking spaces per unit. The Ordinance requires 2.5 per unit for Garden Apartments.
 - **Maximum Number of Units, Section 27-703.B.(5):** The proposed development will include one structure with a total of 119-132 units. The maximum number of units per building is 30.
 - **Trees per Dwelling Unit, Section 27-207.D.:** A variance is requested from the requirement of one deciduous tree for each dwelling unit.
 - **Internal Landscape Islands, Section 27-207.2.B.(2)(b):** A variance is requested from the requirement of one internal landscape island for every 10 parking spaces.
 - **Shade Tree in Landscape Islands, Section 27-207.2.B.(2)(d):** A variance is requested from the requirement of at least one shade tree in each interior landscape island.
 - **Shade Tree Percentage, Section 27-207.2.B.(2)(h):** A variance is requested from the requirement that 20% of the area to be occupied by parking spaces be shaded.

8. In addition, as part of the Conditional Use Approval, the following conditional use deviation has been requested:

- **Deviation from Screening/ Bufferyard A Vegetation Requirements, Section 27-206.(2).(A).(3).** – A deviation is being requested from the requirement that Bufferyard A shall include two rows of plantings, only for the approximate 240 foot length of the detention pond to the south of the pond.

Note: This is a deviation and can be addressed as part of the conditional use approval and can be discussed at the Conditional Use Hearing. It falls under the category of a deviation due to the language cited, as follows, in Section 27-206.(2).(A).(3).(F). which states “Deviations from the requirements of subsection .3, Appendix 27-A and/or Table 27-5 of this Chapter shall be permitted only as a conditional use in accordance with the requirements of §27-703.BBB.” Further, Section 27-703.BBB. states that modifications to a bufferyard shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) A minimum of 75 percent of each type of plant (tree, shrub and groundcover) required within the standard bufferyard for the development shall be planted within the modified bufferyard area. Thus, 75% of the trees and shrubs that would have been planted along the bufferyard near the pond must be replaced on site within the existing bufferyard.

9. The applicant’s engineer provided a trip generation summary noting that an estimated total of 32 vehicles would enter and exit the proposed development during PM peak hours.
10. Refer to any comments from the Township Engineer per LSSE’s letter dated January 28, 2015.
11. Refer to any comments from the Township Solicitor.

At this time, Ms. Ludwig said they now have available a full list of deviations and variances being requested as related to the proposed senior housing development. As such, she recommend that the Planning Commission make a recommendation to the Board as to whether to approve or deny the conditional use application, contingent upon the aforementioned six variances and one deviation being granted.

Ms. Ludwig said they originally thought the one request was a variance, but it is actually a modification just because of the section of the Zoning Ordinance that was cited. She said if the applicant would have cited 206.1, it would have been a variance. Because they cited 206.(2).(A).(3). right below that in another section it says that any deviations from these bufferyard requirements get approved by the Board of Supervisors and are by Conditional Use, so it would be part of the Conditional Use hearing that occurs next week. She said that is the one modification and that is with the screening bufferyard issue. She said they do want to try to figure out a little more as to what that area is going to look like particularly for the property owner on that corner of Steubenville Pike and Palomino Drive. She said that is why it is really a modification request and not a variance and would not go before the Zoning Hearing Board but would be handled at the Conditional Use hearing next Tuesday. She said obviously there are

issues with the Stormwater Ordinance that says they can't plant on those embankments, but this person on the corner has every right to have that full bufferyard that would be expected to maintain that separation. Any more detail that can be provided in terms of what could or couldn't be planted would be helpful. She said it is kind of an oddly shaped lot that thins out towards the back and she wasn't sure where the house is located on the lot, but maybe there could be room to plant a couple of trees on their side or something within reason.

Mr. Kyle asked if they could approve subject to that homeowner on the corner having no objections or the applicant coming to some agreement with that homeowner.

Mr. McDermott said that would have to be something done voluntarily by the homeowners and not coming from the Township. With all due respect, they are entitled to full buffering, not on their property. He said the applicant would want to show the Board of Supervisors the engineering and necessity justification for why they are unable to design and position the pond in a manner that does not impinge upon the equally important goal of providing appropriate buffering. Basically, he said they need to show why they need it and why it is the least they need. He asked if there wasn't a way to move the building footprint forward 10 feet or was it driven by the number of units. He said those are legitimate questions concerning the buffering of the neighboring properties.

Mr. Kyle asked if they needed to do that if the adjoin homeowner is okay with the way the plan is right now.

Mr. McDermott said it would be appropriate if the applicant wished to talk to the homeowner and take that information in support of their request to the Zoning Hearing Board that would be fine. He said it wouldn't be appropriate for the Township to kind of indicate that they believe it might be appropriate for them to go and get a buffer off of the neighbor to satisfy the requirement.

Mr. Schmidt said one question he has is that if it was a residential subdivision going in with a detention pond, would there be a requirement for a buffer.

Mr. McDermott said it is two different requirements. He said this is a land mass versus the size of the building with a footprint issue.

Mr. Schmidt asked if they were trying to buffer to detention pond or are they trying to buffer the building.

Mr. McDermott said they are trying to buffer the building development site from a single family residential neighborhood site. He said there are different bufferyard requirements if it is residential to business or institution. He said these are viewed more in an institutional vein because of the footprint.

Mr. Schmidt said the point that he was trying to bring up was that he believed at one time there was some wording in there in regard to topography and how the topography plays into the buffering requirement since this would sit way up high. He said they certainly do have the advantage of topography in that. Looking at the buffering requirement of the two rows of trees, he said if they could put one row of trees at the top and one row closer to the building, they

would meet the two rows of trees requirement even though it might not be at the 25' width that the ordinance states. He asked if it necessarily had to be in that 25' width or if it could be in a 50' or 100' width as long as it was the same number of trees.

Mr. Fitzgerald asked if he was saying they wanted to put a row of trees at the bottom in the blue area and another row of trees at the top.

Mr. Schmidt said he is saying they have a row of trees quite likely that would be there.

Mr. Fitzgerald said yes, that are existing.

Mr. Schmidt said he didn't have individual locations of the trees that are in that area and granted, it is somewhat narrow, but there quite likely could be a row of trees there.

Mr. McDermott said he wasn't suggesting a position for or against the variance, all he was suggesting in echoing of the Planning Commission's concern was about the effectiveness of functionally buffering against the neighboring property. He said what he is hearing is that the Planning Commission would like for the applicant to show the Zoning Hearing Board how they could achieve the buffer.

Ms. Ludwig said she had a suggestion that might be helpful for the hearings coming up since sometimes when the bufferyards are just labeled Bufferyard A even though there is a legend on the drawing, it is hard to get a real sense of what that represents. She suggested a drawing that would actually show the trees and shrubs. She said where the plus signs are located would be existing vegetation that would remain and that would be okay. If the applicant could provide more detail in terms of new planting and what that would look like for the Board of Supervisors' hearing on Tuesday and the Zoning Hearing Board on Thursday, it would give everyone a better idea and understanding. She said the elevation figures would be helpful as well.

Mr. Fitzgerald said the applicant was being agreeable and the Planning Commission wasn't trying to give them a rough ride, but they are asking for less trees in one area so if they could accommodate the adjoining property owner with a couple of extra trees somewhere, it could make everyone happy.

Mr. Schmidt said if the adjoining property owner was okay with it, they would be okay with it as well.

Mr. Meeske said he has 100 trees to spare so it would be no problem to add them somewhere.

Mr. Fitzgerald said there was an application several years ago where nobody thought it was going to be a big deal until the dirt started moving around. Then, the neighbor realized that his house was going to be exposed to all of it. He said the whole landscape changed which he didn't envision and this is the same sort of deal. He said the Board is just trying to look out for the neighboring property owners. He said if the Board can help the neighbors out and the applicant gets their way, then it would be a win, win.

Mr. Kyle said he agreed.

Ms. Ludwig said for information purposes, there are several other meetings coming up. There is the Conditional Use public hearing on Tuesday, March 24, at 7 p.m., before the regular Board of Supervisors' meeting at 7:30. The Zoning Hearing Board is on Thursday, March 26, at 7:30. She said Mr. Schmidt and Mr. Meeske are also hosting a meet and greet for residents this Thursday, March 19, 6:30 p.m. to 7:30 p.m., at the North Fayette Volunteer Fire Department in Hankey Farms in the Lafayette Room. She said along with the Conditional Use hearing letters, a flyer went out to all of the neighboring property owners about the meet and greet. She said hopefully they will be able to talk to the neighbors and address some of their concerns at that point in time. She said she would also be attending the meet and greet, but hadn't received any phone calls on it yet. She said nobody had called on the Zoning Hearing Board meeting as well, right Ms. Cherico?

Ms. Cherico said no, she hadn't gotten any calls.

Ms. Ludwig said the notices went out last week so she was hoping residents would attend.

Mr. Meeske said hopefully the meet and greet would give residents an opportunity to ask questions.

Mr. Wingrove made the following comments:

We have completed our review of the above referenced Conditional Use application documentation, dated March 4, 2015, as received by our office March 9, 2015. The Conditional Use application proposes to construct a 3-story affordable senior housing development. The property is located along at 7430 Steubenville Pike, and is Zoned B-2 – General Business. Please note that this review was completed to determine conformance to the Township Zoning Ordinance for the requirement of the proposed Conditional use only. LSSE will perform a complete review for conformance with the Township Zoning Subdivision and Land Development Ordinance at the time of application for preliminary and/or final land development.

Previous comments may be found in our letter dated January 28, 2015.

The following listing presents items identified during our initial review that do not conform to the Township of North Fayette's Zoning Ordinance (No. 418, Chapter 27):

Zoning

1. The Ordinance requires that the maximum number of units per building shall not exceed 24 units (Section 703.B.(5)). **Previous Comment:** *The Developer's consultant requested a variance to construct a 3-story structure housing 119 to 126 units.* **Status:** **The Developer has submitted a Variance request for relief from this Ordinance requirement.**
2. The Ordinance requires slopes to be graded at a maximum of 3:1. (Section 703.B.(10)). **Previous Comment:** *The Developer's consultant requested a variance to grade the site at a maximum of 2:1.* **Status:** **The Ordinance allows 2:1 slopes when supported by a Geotechnical report. The applicant should submit this with their land development application.**

The plans have been reviewed for conformance to the Township Ordinance standards only. The review is based on surveys and drawings prepared by others and assume this information is correct and valid as submitted. Independent confirmation of adequacy or applicability of surveys, design data or procedures has not been provided.

The application, as submitted, will conform to the Township of North Fayette's Zoning Ordinance (No. 418, Chapter 27) with resolution of the above noted items. The applicant should note that all requirements for preliminary and final land development approval must yet be satisfied.

Mr. Wingrove said once they receive the land development application, Lennon Smith would do the typical review for the Planning Commission.

Mr. Cosnek asked if anyone had any further comments or questions. Hearing none, he asked if they were going to change it to approximately 128 units on 7.12 acres of land for the motion on the application.

Mr. Owens asked if that was approximately or exactly.

Mr. Meeske said it was always approximate until he gets it built.

Mr. Fitzgerald asked if this was where they would add the contingency for the parking spaces.

Mr. McDermott said if there were any recommendations that the Planning Commission wanted to make in regards to any of the particular variances, the Board could do that individually like they do with modification requests.

Mr. Cosnek asked if the one modification request would go with this motion.

Mr. McDermott asked if he meant the deviation.

Mr. Cosnek said yes.

Mr. McDermott said it could be handled separately. He asked if the parking variance was the only one that they would want to comment on for the Zoning Hearing Board, or would there be others.

Mr. Owens asked what were the comments in general on the parking spaces, just that it needs to be left open if a problem would arise with the number of spaces that there would be some kind of overflow. He said before they make the motion, they need to determine if they want to put that in first.

Mr. Fitzgerald said he believed they were going to recommend approval contingent on 1.2 parking spaces per unit with the contingency that if the purpose of the building would change, future accommodations would be made on the existing property to supply sufficient additional parking to get back to the required 2.5 spaces per unit.

Mr. McDermott said the way that could be handled for the present or any future owner would be just by saying “the owner”. He said by saying “the owner” has to regulate parking privilege so that they never exceed the 1.0 ratio of cars to units because the .2 is left for visitors.

Mr. Meeske said that would leave it open as to how they would address it.

Mr. McDermott said they could address that physically or by parking vouchers. He said if they wanted to address that right now, they could make a recommendation in support of the parking variance provided that it contains a condition that assures the number of resident vehicles are regulated so that the ratio of parking spaces to units never exceeds the 1.0 ratio.

Mr. Meeske said 1.2 has worked out well.

Mr. McDermott said 1.0 is per unit and the .2 is in reserve for visitors.

Mr. Owens said it should based on 1.2.

Mr. McDermott said if the landlord is allowed to give out parking permits at the 1.2 ratio, that would take up all of the visitor spaces. He said when they were talking previously, they were talking about the 1.0 ratio for tenant parking. He said if they would give out 100 percent for tenants, then there would be no visitor spaces left.

Mr. Meeske said he would request 1.1 if that is the case.

Mr. McDermott said .2 for visitor parking would be 25 spaces. At .1, he said that leaves 12 spaces for visitor parking and questioned if that would be adequate for a complex of this size.

Mr. Fitzgerald said for 128 units.

Mr. Owens said it doesn't sound like much when put that way, but the Board needs to base it on the information provided.

Mr. McDermott said he would remind the applicant that the representation of how this works elsewhere with 1.2 spaces gives adequate spaces to maintain the 1.0 ratio for residents and still allows for .2 to cover visitors.

Mr. Meeske said their experience has been that approximately one space per unit has been adequate for both.

Mr. Fitzgerald said if they don't intend to change the use of the building, then it doesn't make a difference.

Mr. Meeske said correct.

Mr. Kyle said it does if they can only hand out one space per unit.

Mr. Meeske said that is correct.

Mr. Kyle said he doesn't want to restrict himself if somebody does want to rent a unit and has two cars.

Mr. Meeske said if he is only occupying 75 of those spaces so he has a surplus, then if somebody wants to bring in two cars he would be good.

Mr. McDermott said once they get above 100, then they would be cutting into the visitor spaces. He said it is up to the Planning Commission as to whether they are comfortable with leaving 12 spaces or 25 spaces for visitors of approximately 128 units.

Mr. Meeske said one thing he is able to tell the board is that they are in the business of leasing units. He said if he doesn't have enough parking, he won't be leasing units. He said he would be the first one to add parking if it wouldn't be working.

Mr. Kyle said he would tend to agree with that. He said even if the property would change hands, it would still be multi-family dwellings and if they can't put more than one car in there, they would be less likely to rent it.

Mr. Owens said that is true; if someone has three cars and only one spot, they aren't going to want to live there.

Mr. Kyle said it would be to their advantage to put in additional parking.

Mr. Meeske said they have a unique situation that they will have a couple of acres of leftover ground there.

Mr. Kyle said he is inclined to approve it as it is. He said his personal concern was more with the bufferyard and not with the variances.

Mr. Cosnek said he agreed with what the applicant was saying about if they don't have the parking, people aren't going to want to rent. He said if it would become an issue, they would have to do something to fill the building space.

Mr. McDermott said tenants would also be complaining if their visitors can't find space.

Mr. Fitzgerald said his only thought was that if for some reason down the road they would sell this, then a new owner would need to put in parking. What if that piece of property would get subdivided and they wouldn't have that space anymore? He said he would agree with the 1.2 ratio.

Mr. Cosnek said it wouldn't be able to be subdivided because that area wouldn't have frontage.

Ms. Ludwig agreed.

Mr. Kyle said that was a good point.

Ms. Cherico said the Zoning Hearing Board typically puts conditions on approvals that run with the owner or applicant. She said in some cases a new owner would need to go back to the Zoning Hearing Board for approval. She said signage is usually contingent on the current owner.

Mr. Kyle said he would be even more inclined. He said he understands about the landscape islands, too, that they are a hazard for the elderly.

Mr. Meeske said the number one request they get is for more handicapped spaces as opposed to landscape islands that make it difficult to get out of a car.

Mr. Fitzgerald said the landscape islands make it difficult to clear the snow, too.

Mr. Cosnek asked the Board for a motion.

A MOTION WAS MADE BY Mr. CHUCK KYLE, SECONDED BY Mr. BILL FITZGERALD, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR A CONDITIONAL USE FOR GARDEN APARTMENTS FOR APPROXIMATELY 128 UNITS CONTINGENT UPON 1.2 PARKING SPACES PER UNIT.

ROLL CALL:	CHUCK KYLE	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	BOB OWENS	YES
	DAVE COSNEK	YES

Mr. Cosnek said they would now move on the variances.

Mr. Cosnek asked for a motion to recommend approval of the variance for Parking Count, Section 27-302.D, to allow a ration of 1.2 parking spaces per unit.

A MOTION WAS MADE BY Mr. BOB OWENS, SECONDED BY Mr. BILL FITZGERALD, AND CARRIED, TO RECOMMEND APPROVAL TO THE ZONING HEARING BOARD FOR A VARIANCE FROM PARKING COUNT, SECTION 27-302.D TO ALLOW A RATION OF 1.2 PARKING SPACES PER UNIT FOR APPROXIMATELY 128 GARDEN APARTMENT UNITS.

ROLL CALL:	CHUCK KYLE	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	BOB OWENS	YES
	DAVE COSNEK	YES

Mr. Cosnek asked for a motion to recommend approval for Maximum Number of Units, Section 27-703.B.(5) to allow one structure with a total of approximately 128 units.

A MOTION WAS MADE BY Mr. BOB OWENS, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO RECOMMEND APPROVAL TO THE ZONING

HEARING BOARD FOR A VARIANCE FROM MAXIMUM NUMBER OF UNITS, SECTION 27-703.b.(5) TO ALLOW ONE STRUCTURE WITH A TOTAL OF APPROXIMATELY 128 UNITS.

ROLL CALL:	CHUCK KYLE	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	BOB OWENS	YES
	DAVE COSNEK	YES

Mr. Cosnek asked for a motion to recommend approval of a variance for Tree per Dwelling Unit, Section 27-207.D. to reduce the number of required trees from one deciduous tree for each dwelling unit to 53 trees.

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. BOB OWENS, AND CARRIED, TO RECOMMEND APPROVAL TO THE ZONING HEARING BOARD FOR A VARIANCE FROM TREE PER DWELLING UNIT, SECTION 27-207.D. TO REDUCE THE NUMBER OF REQUIRED TREES FROM ONE DECIDUOUS TREE FOR EACH DWELLING UNIT TO 53 DECIDUOUS TREES.

ROLL CALL:	CHUCK KYLE	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	BOB OWENS	YES
	DAVE COSNEK	YES

Mr. Cosnek asked for a motion to recommend approval of a variance for Internal Landscape Islands, Section 27-207.2.B.(2)(b) to eliminate the landscape islands.

A MOTION WAS MADE BY Mr. FRED LUTZ, SECONDED BY Mr. CHUCK KYLE, AND CARRIED, TO RECOMMEND APPROVAL TO THE ZONING HEARING BOARD FOR A VARIANCE FROM INTERNAL LANDSCAPE ISLANDS, SECTION 27-207.S.B.(2)(B) TO ELIMINATE THE LANDSCAPE ISLANDS.

ROLL CALL:	CHUCK KYLE	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	BOB OWENS	YES
	DAVE COSNEK	YES

Mr. Cosnek asked for a motion to recommend approval of a variance for Shade Tree in Landscape Islands, Section 27-207.2.b.(2)(d) to eliminate one shade tree in each interior landscape island.

A MOTION WAS MADE BY Mr. CHUCK KYLE, SECONDED BY Mr. BOB OWENS, AND CARRIED, TO RECOMMEND APPROVAL TO THE ZONING

HEARING BOARD FOR A VARIANCE FROM SHADE TREE LANDSCAPE ISLANDS, SECTION 27-207.2.B.(2)(D) TO ELIMINATE THE REQUIREMENT OF ONE SHADE TREE IN EACH INTERIOR LANDSCAPE ISLAND.

ROLL CALL:	CHUCK KYLE	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	BOB OWENS	YES
	DAVE COSNEK	YES

Mr. Cosnek asked for a motion to recommend approval of a variance for Shade Tree Percentage, Section 27-207.2.B.(2)(h) requiring that 20 percent of the area to be occupied by parking spaces be shaded.

A MOTION WAS MADE BY Mr. CHUCK KYLE, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO RECOMMEND APPROVAL TO THE ZONING HEARING BOARD FOR A VARIANCE FOR SHADE TREE PERCENTAGE, SECTION 27-207.2.B.(2)(H) REQUIRING THAT 20 PERCENT OF THE AREA TO BE OCCUPIED BY PARKING SPACES BE SHADED.

ROLL CALL:	CHUCK KYLE	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	BOB OWENS	YES
	DAVE COSNEK	YES

Mr. Cosnek asked for a motion on the modification/deviation request to reduce the number of trees along the pond area as required in Section 27-206.2.A.(3).(f). conditioned upon the trees that are not being used in that area be used elsewhere and that the applicant would show alternative means to achieve buffering at an adequate screening level.

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. FRED LUTZ, AND CARRIED, TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR THE MODIFICATION/DEVIATION REQUEST TO REDUCE THE NUMBER OF TREES ALONG THE DETENTION POND AREA AS REQUIRED IN SECTION 27-206.2.A(3).(F). WITH THE CONDITION THAT THE TREES THAT ARE NOT BEING USE IN THAT AREA BE USED ELSEWHERE AND CONTINGENT THAT THE APPLICANT CAN SHOW ALTERNATIVE MEANS TO ACHIEVE ADEQUATE BUFFERING SCREENING LEVELS WHETHER THROUGH EXISTING VEGITATION OR NEW PLANTINGS IF NECESSARY.

ROLL CALL:	CHUCK KYLE	YES
	BILL FITZGERALD	YES
	FRED LUTZ	YES
	BOB OWENS	YES
	DAVE COSNEK	YES

COMMENTS:

Mr. Cosnek asked if anyone had any comments or questions about anything.

There were none.

ADJOURNMENT:

A MOTION WAS MADE BY Mr. BILL FITZGERALD, SECONDED BY Mr. CHUCK KYLE, AND CARRIED, TO ADJOURN THE MEETING AT 8:26 P.M.

Respectfully submitted,

Cheryl Cherico
Planning Commission Recording Secretary