

Millersburg Planning Commission Meeting

July 18, 2017

MEMBER PRESENT Planning Commission Members: Dan Nixon, Dennis Gunner, Anne Peltier, Connie Lepin, Steven Vogler, Ed Perlenfein

MEMBER ABSENT: Scott Stimpson, John Sullivan

STAFF PRESENT: Steven Hasson, Samuel Gollah

Chairman, Ed Perlenfein called the meeting to order at 6 p.m. asking for approval of the June 20, 2017 minutes. Commissioner Dan Nixon move to approve the minutes as presented, seconded by Anne Peltier. Ayes - 6, Opposed -0; absent – 2 (Sullivan and Simpson). **APPROVED**

Parker Lane Cable Removal:

Ed Perlenfein introduced the Parker Lane cable blockage issue and noting this matter is not a public hearing and thus, no public testimony would be taken. He did confirm written testimony had been received. He called on the City Manager, Steven Hasson to present this issue. Mr. Hasson introduced Sam Gollah as the new Development Coordinator and said he will work with Sam in managing development issues affecting the City. He said the City will maintain a contractual arrangement with Don Driscoll to provide planning services.

Mr. Hasson noted the area where the cable was removed is located at the intersection of Shayla Drive and Parker Lane. He explained that the cable was removed because it impeded traffic circulation and could pose a safety hazard. He remarked this case was introduced at the last Planning Commission meeting on June 20, 2017 at which time the Commission requested the cable be removed promptly. He said that not long after the cable was removed local residents complaining about traffic hazard and unsafe sidewalks resulting from that action.

Mr. Hasson relied on his fire management experiences to emphasize the need to remove this barrier. He referenced a night club fire where the businesses back door was bolted to emphasize his point. He said people died because of this blocked off exit and the same could happen with the cable barrier.

It was apparent a majority of the audience were opposed to the cable's removal, citing increased traffic, lack of sidewalks, speeding vehicles and other concerns. Reference was made to the 2008 Hoffman Subdivision's conditions of approval that required a 10-foot setback for Parker Lane. The audience wondered why the conditions of approval were not honored.

Christian Watson and Dwayne Lever said the cable removal have created a higher traffic volume in the neighborhood and they would like to see the cable remain. A majority of the audience concurred with Christian and Dwayne's viewpoints. Mr. Lever

(from Parker Lane) wanted the case referred to the Council for resolution. Ed Perlenfein told Mr. Lever the case would be moved to Council. Melinda Allen stated her family moved into the neighborhood for its tranquility. Ed Perlenfein found need to admonish the audience not to repeat things.

Mr. Hasson provided further reasoning for the cable's removal relating to verbiage found in the Transportation element of the Comprehensive Plan. He reminded the Planning Commission about their recent approval of the comprehensive plan and its supporting language. He advised the Planning Commission if they reinstated the cable they would not be following their rules. He said removing the barrier improved street connectivity.

Ed Perlenfein agreed with Mr. Hasson that Parker Lane is now a public road and noted the City installed sewer there to address growth related issues. Planning Commission members Dennis Gunner and Dan Nixon were curious about how the dead end came to be? According to their memories a cable installation was not part of the approval process, rather it related to enforcement of the 10-foot setback. Anne Peltier was curious what other options were available. She asked, did the Jefferson Fire Department sign off on the original documents? Mr. Perlenfein said the 10-foot setback use had been a private issue but had become public since the subdivision's approval. Dan Nixon wanted Council person Scott Cowan to comment on the cable's removal. Steven Hasson interceded in that dialog by explaining Mr. Cowan could not comment because he was a councilperson and in the event of an appeal his comments at this time could be viewed as prejudicial. Mr. Hasson re-emphasized that safety and circulation were the driving factors for the cable's removal.

Mr. Hasson asked Mayor Jim Lepin, who was present, to comment on the City's street safety strategy that relies on solar speed signage. Mayor Lepin then explained the rationale for the solar safety project. Mr. Hasson thanked him and reminded the audience that the City was growing very fast (almost doubling in size in a short time span) and thus, street circulation was an important part of that safety strategy. He defended the rationale for opening Parker Lane for safety purposes and noted the Comprehensive Plan clearly supports this action.

At this juncture, the audience shifted its focus to the 10-foot setback issue they believe contributes to the hazardous nature of Parker Lane.

Robin Whitney wanted to know more about what will happen to the 10-foot setback off of Hoffman Estates. Ed Perlenfein called it "an island of non-development". In response to this assessment, the audience requested the City take over the "Island" and do something about the adjoining street. The Planning Commission recommended addressing the issue through the City's Capital Facilities Improvement program.

Ed Perlenfein requested a motion to move these Hoffman Estate related issues to Council. Accordingly, Anne Peltier moved to recommend this matter be forwarded to Council for their action and seconded by Dan Nixon. Ayes - 6, Opposed - 0; absent - 2 (Sullivan and Simpson). **APPROVED**

150-Acre City Owned Property

Mr. Perlenfein asked Mr. Hasson to present this item. Mr. Perlenfein noted the property is located at the south side of Conser road. Mr. Hasson presented a diagram that envisions the 150 acres currently zoned for industrial purposes be converted to other type land uses.

Mr. Hasson indicated Millersburg was among the fastest growing cities in the state. He explained the nature of the diagram that illustrates a variety of land use development patterns laid upon the 150 acres. He relied on the diagram to explain the different zones and corresponding uses he envisions for the area. He added, that due to the nature of his vision the property will require rezoning [a map amendment process] and that development proposal was motivated by the need to create a central business district. He indicated the various segments of his acreage that would be converted to a mixture of industrial, multifamily-family, residential and mixed type uses. The crowd was fairly unanimous in its opposition to this proposed zone change. Ed Perlenfein reminded the audience that the meeting was not a public hearing and called for them to be respectful. He said he too opposed to this proposal. He conveyed how he had participated in both the 1978 and 1998 comprehensive plan updates and both these plans maintained the rural zoning/industrial designation for the 150 acre site. He said he did not see any need for a revised Comprehensive Plan. Mr. Hasson said this proposal would have a positive effect on property valuations. He said this proposal provides a transition between the residential uses on the north side of Conser and potential uses on the south side of this roadway.

Anne Peltier stated she was not here in 1998 when the Comprehensive Plan was developed and suggested the City should conduct a plan update. Mr. Hasson noted most jurisdictions conduct Comprehensive Plan studies periodically; typically every twenty years. He said a comprehensive plan update is warranted. Dennis Gunner echoed the audience's sentiment to keep the 150 acres in a rural/industrial designation. He said there is no need to change the land uses there.

Mr. Perlenfein stated since his arrival in Millersburg, the property that Mr. Hasson intends to develop has been rural and should remain in this land use status. He said that Conser Road is an excellent buffer between existing residential and industrial zones and did not wish to see the City involvement in residential development there. He commended Mr. Hasson for his proposal but remained steadfast this area remain as it is currently zoned. Steven Vogel concurred with Mr. Perlenfein. He said it is apparent the commission is not interested in a downtown concept but agreed to move it to the Council for consideration. Mr. Perlenfein requested a vote to move the 150 acre property to the council. Dennis Gunner moved to send this proposal to council and seconded by Steven Vogel. Ayes - 0, Opposed – 6, absent – 2) Sullivan Simpson.

DISAPPROVED

Fencing Ordinance:

Ed Perlenfein opened discussion on the proposed fencing ordinance. Mr. Hasson explained the rationale behind the proposed fencing standards. He said this item was first presented to the Commission at the June 20, 2017 meeting. He said this action was prompted in part by a series of fencing issues that were not being addressed such as neglect for vision triangle protection as part of the fencing process, hence a need to revise the fencing code.

Mr. Hasson said, he believes the existing fencing code is inadequate. He said many fences are going up with little guidance. He cited an example of a homeowner whose rear yard fence encroached into the vision triangle setback area as an example of the need for a fence permitting process to assure consistent fencing outcomes.

Ed Perlenfein said the City issued too many permits, but he did agree with Mr. Hasson that fencing is an emerging issue. He indicated that not all fences should be permitted. Mr. Hasson countered the City needs one fencing code that addresses all fencing issues.

Connie Lepin agreed that the permit code may need revision. She suggested instead of creating a new code the City “copy” Albany’s standards. Aside from suggesting the usage of Albany’s code as an example, Connie also had a problem with some of the fencing code language definitions. She wondered why people have to obtain a permit before constructing a fence. Mr. Hasson said the proposed fencing code will contain graphics that depict the City’s fencing specifications making it easier for homeowners and contractors to understand how to construct fences. Mr. Hasson said Millersburg is different than Albany and he does not have the staff to implement Albany’s fencing standards. He said the permits will help the City track projects and insure application equity.

Mr. Hasson said fencing permits will help homeowners’ define property boundaries and that action will reduce civil suits. Mr. Perlenfein added that it is part of a planners’ job is to identify issues that minimize development conflict. He said this fencing code provides such an example and he agreed that the fence code needs revision.

Dennis Gunner was confused about the proposed text. He wondered why the existing code was crossed-out but retained, with Connie Lepin expressing a similar sentiment. Mr. Hasson said this legislative format style of modifying code is a form typically used by government agencies.

Anne Peltier suggested that Steve Hasson re-arrange the fence permit text by merging the old and new languages into one document (text) and have them on the same page. Fence permit in its developmental stage (draft form) should contain both the proposed and existing (crossed-out) text and placed on the same page and not separately. Mr. Hasson accepted Ms. Peltier’s suggestion. Mr. Perlenfein asked the members if they were in favor of upgrading the fencing code and the response was positive. He requested a vote but Mrs. Lepin requested some of the language be modified before the

vote. Mr. Hasson said he would look into addressing her concerns for the next council meeting. Mr. Perlenfein requested a motion to move the fencing code upgrade to the council for further discussions. Mrs. Lepin made a motion to move the fence upgrade to council and seconded by Ms. Peltier: Ayes – 5, Opposed – 1, Absent 2 (Sullivan and Simpson).). **APPROVED**

American Planning Association

Mr. Perlenfein introduced the American Planning Association (APA) topic and asked about the benefits of APA membership? Mr. Hasson said he was recommending the Planning Commissioners join the APA. He said the APA provides jurisdictions with planning information and helps the members gain a good base of planning knowledge. Mr. Perlenfein said he did not particularly care to participate in APA, but other members of the Planning Commission expressed interest in joining this organization. In particular, Mrs. Lepin and Ms. Peltier expressed interest

Mr. Hasson said he would enroll those who expressed an interest. There were no other comments. The commission did not have any problem with APA membership and approved this action: Ayes – 6, Opposed – 0, Absent – 2 (Sullivan and Simpson).

APPROVED

CLOSING COMMENTS AND ADJOURNEMENT

There were no other new businesses. Meeting adjourned.