

MINUTES

**Monday, February 1, 2021
Planning Commission Meeting
Council Chambers-Glennon Center Lower Level
6:30 p.m.**

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| <p>1. Call to Order</p> | <p>Chris Leonard, Chair, called the meeting to order at 6:30 pm.</p> <p>Present: Chris Leonard, Rebecca Richardson, Ryan Ross, Matt DeWitt, Nick Amico, Jason Pitcock, Alicia Dasch (Council Liaison), Susan Britt (staff) and Shane Parris (staff)</p> <p>Absent: Kate Forbes</p> |
| <p>2. Approval of Minutes</p> <p>a. January 11, 2021 – Regular Meeting</p> | <p><u>MOTION</u></p> <p>Jason Pitcock motioned to approve the minutes as corrected with spelling of Mr. Amico’s first name.</p> <p>Nick Amico seconded.</p> <p>VOTES: AYES Unanimous</p> |
| <p>3. Workshop -Council Priorities</p> <p>a. Discuss Priorities for Bike/Ped Connections per Comp Plan</p> | <p>ITEM A.</p> <p>Mr. Leonard briefed the commission on the purpose of the project and its history, referencing: the commission was to prioritize and budget each connection point, recommended including other entities outside the commission, and dedicate a commissioner as liaison to help coordinate the process. Mr. Leonard stated the part of the matrix used to prioritize the connections is to review the survey and find out where do people want to go and can’t, then list them in order of most public interest. He stated Ms. Britt had included the baseline survey in the commission packet.</p> <p>Mr. Amico stated that Catawba Park had not been included in the survey and due to its impending construction, the survey may need to be revised. He asked Ms. Britt to clarify what the numbers next to the dots on the survey</p> |

represented. Ms. Britt stated they represent the amount of people who responded and that she had an excel sheet with all the information that she would share with the commission. Mr. Ross asked when the survey had been conducted. Mr. Leonard stated it had been conducted in 2019 during the review of the comprehensive plan.

Mr. Amico noted that there was a large amount of people interested in the south side of River Lakes/ Lake Ridge. Mr. Ross stated that may be due to Catawba Park, though he was unsure if the park was not included. Mr. Leonard asked Ms. Britt if the park was included. She stated it was in the City at the time and was included, it just had not started development. Mr. DeWitt clarified that everyone was looking at the correct map. Mr. Leonard said it should be the "I want to "map. Mr. Ross asked if this what about new construction of paths or just connection of existing. Mr. Leonard stated it could be any of that.

Ms. Richardson mentioned that the review should include cost as a factor as some things may not be attainable within a budget. Mr. Leonard responded that he thought the review should go through two passes, one to prioritize interest and the second to review cost. Mr. DeWitt mentioned the City could also investigate applying for grants.

Ms. Britt recommended that the Commission focus on prioritizing interest, allow Management to investigate costs and budget, then make a recommendation to Council based on those figures. She further stated that the Windell property has a utility easement and there was a developer interested in bringing that property into the City. This would provide connection from Lake Ridge; she also referenced the possibility of gaining a grant to finish the sidewalk on Dam Road down to New Grey Rock and how these both may need to be considered priorities.

Ms. Dasch suggested that the Commission create a matrix system to grade the priorities and to not rule out items that are expensive since they might have the most interest.

Further discussion commenced about how to grade the priorities. These topics included: length of trail, alternative transport, existing trails, connections, minimum of five step matrix, and the possible need to refresh the survey after initial prioritization to account for change in demographics and the changes in the school system since the original survey.

Ms. Britt stated she was leery about the Commission creating a budget and that that was a Council and Management issue. She recommended the Commission develop a prioritized list based on interest and submit that to Council for budget and final decision on what work to perform.

Ms. Dasch found an example of sidewalk and path criteria from Clark County, Washington. The list included topics such as size, type, destination, quality of life, implementation, and appeared to be a solid basis for prioritization and budgeting.

The Commission concluded the discussion on Item one with Mr. Leonard to lead the process, Ms. Britt to work with CRCOG to gain raw data and perform GIS work, and placing the deadline to have the list completed by the June meeting of Council to allow for it to be included in the following budget cycle.

b. Discuss Recommendations regarding Stormwater Ordinance and Related Items

ITEM B.

Ms. Britt asked if she could say something before the discussion commenced. She stated that she attached the erosion and sediment control segment of municipal code that deals with administration and enforcement. Mr. Leonard clarified if it is State or City. MS. Britt said it was the City's which is charged with administering and enforcing the regulations, which are a basic outline of Federal and State regulations. In her opinion, review and alteration of the ordinance is not a Planning Commission responsibility. It is an enforcement and regulatory issue which is the responsibility of the Stormwater Manager, who regulates them through compliance and enforcement action.

She stated she does not advise the Commission to take on the role of revising the regulations when it is not their responsibility under State Code Chapter 6-29-1110. She proceeded to read the code which states the Planning Commission's responsibilities are land development and subdivision pertaining to regulating site design, street layout, provisions for water and sewer infrastructure, and other matters related to the development or redevelopment of land. She stated the definition of land development in the State code is a change in land characteristic through construction, subdivision into parcels, condominium complexes, commercial parks, shopping centers, industrial parks, mobile home parks, or similar developments for sale, lease, or any combination of owner or rental characteristics. She brought attention to the lack of environmental being included as it is a State and Federal Issue.

Mr. Amico asked Ms. Britt if the City had a stormwater committee. Ms. Britt stated to the best of her knowledge the committee dealt strictly with appeals to stormwater fees. Mr. Leonard stated he saw this as two separate issues. The first is the regulatory side which he states is clearly not a Planning Commission issue and is covered by State, Federal, and the City's municipal code. He referenced the prior discussions about potentially raising the standard of those regulations. He further stated the second issue he saw was when the City enters into development agreements is there something that can be done within the agreement. Such items include higher standards in the agreement or creating a baseline understanding with the developer of prior conditions of watersheds so if an issue arises down the road, there is an understanding of where it started.

Ms. Britt stated that is something that could be done, and the Commission could be involved. She then defined a development agreement stating, it is a contract utilizing "quid pro quo" which means the agreement is a give and take. We would need to have something to give them in return for them agreeing to the higher standards. Mr. Leonard stated he

understand but we need to start with thinking we need to hold them to higher standard due to our delicate watershed which there is some responsibility to protect. He further stated there should be thought to what could and should be done if anything. He clarified that's the City, outside of Planning Commission, could raise the design standard for stormwater controls for any future systems to which Ms. Britt confirmed. Ms. Britt recommended setting up some education with staff and defined some aspects of existing stormwater controls, pre and post calculations, flow rates, and how the regulations that exist are devised and developed.

Mr. Leonard stated that the issue at hand was not due to the systems design but the impact of the initial site work on a natural area before the system was in place. He asked if he would be wrong in stating that in the development agreement the developers establish a baseline of the conditions of the watersheds prior to any work. Ms. Britt said the Commission could do that, but developers can reject it and choose not to enter into any agreement. Mr. Leonard stated then regulations should possibly change but the only area the Commission has purview in is development agreements. He proceeded to suggest that the City could establish the baseline on its own and that he viewed the biggest issue with Trinity Pointe was no one had a baseline. Ms. Britt asked if he was referring to the watershed because watersheds change overtime. Ms. Britt stated she would perform any work she was directed to, but in her professional opinion none of this was the role of Planning Commission.

Mr. Leonard stated then the only possible thing the Commission could do is compile a list of recommendations with pros and cons. Ms. Britt confirmed this and reiterated that it was the responsibility of City Council. Mr. Leonard asked if there were ordinances that guide how developers manage the site prior to the full stormwater system being installed.

Mr. Parris proceeded to explain the full process and regulation of site development and the stages of stormwater controls, clarifying that the procedure accounts for controls to be

established at all times. He proceeded to explain that Trinity Pointe required an area to be cleared before the detention pond was constructed. This area was required to be a minor excavation to remove dirt to construct the pond. This was due to dirt in the vicinity of the pond being highly erodible. The problem of establishing the baseline with watershed is there are several factors that affect the watershed that do not involve the site being developed. These include the watershed's current conditions, stability, and upstream effects.

Due to this subjectivity the regulations require the calculations used in planning to deal with the site and not the watershed. The purpose of flow rate being regulated and not volume has to do with erosion. Volume is an uncontrollable entity; rain is not a regulatable force. By controlling flow rate, you ensure the amount of water that enters the watershed at any given point is not greater than occurred predevelopment. By minimizing flow rate, the speed at which water moves is contained to the same level or a slower speed than what occurred naturally and minimizes erosion. He further stated these are included in the regulations and in his opinion including them in a development agreement is piggy backing on the ordinances that already exist, and any changes need to remain in ordinance form.

Mr. Leonard asked that in the midterm of initial clearing are there regulations that control flow rate and erosion movement. Mr. Parris confirmed that the site is always controlled, and each phase of clearing matches the controls established at that time. Mr. Leonard then stated he understood the controls are established and calculations are performed at the site, but in the case of Trinity the damage was done downstream and that it would be difficult to get a developer to accept responsibility. Further discussion ensued dealing with responsibility of damage done downstream of sites, options for recommendation, potential of baselines, the difficulty in establishing responsibility of damage cause.

Mr. DeWitt stated in his opinion there was not much the Commission could do to increase

requirements. He referred to a project he had worked on in which several underwater surveys were performed prior to constructions next to a cove and the contractor had been required to accept responsibly for any issue later above the prior surveyed calculations. Ms. Britt pointed out that the cove was a definable area that received direct impact form the site. This type of impact is already the responsibility of any developer under current regulations. Mr. DeWitt stated its very difficult if not impossible to pinpoint where any dirt comes from that causes impacts.

Discussion commenced including differentiating the two sites (one was done at a cove and Trinity is located up stream of the cove for its watershed), how Duke permits dredging in the case of remediation, the lack of failures of the Trinity Pointe site, the documentation of the watershed below Trinity incising and the cove filling in dating back 15 years (12 years prior to Trinity), the minimal amount of future development, the potential value of including higher standard in development agreements, increasing required greenspace, and requiring stricter buffer requirements.

The Commission concluded with proceeding with compiling a list of recommendations including pros and cons.

C. Discuss Small Area Plans for Mixed-Use Districts

ITEM C.

Ms. Britt stated the project is being performed in conjunction with CRCOG and the work was initially done with the Small Advisory Group on regulations, which are now adopted by Council. Then review was done to look at small area plans and concluded to do each plan one at time starting with the City Center. This is due to the potential new commercial from Lennar and existing commercial that may be interested in redevelopment. CRCOG and Ms. Britt are currently drafting a memorandum due to tasks changing since the initial plan, which intended to complete all three plans at one time. They are also outlining the scope for participation and will submit it once completed in mid-February.

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| | Then staff will solicit assistance from the Planning Commission in certain areas based on public outreach. Commission will review at the March regular meeting once details are completed. |
| 4. Old Business a. Adoption of the 2021 Work Program | Mr. Leonard recommended that final approval be deferred until after the Council Workshop on Feb. 8 th . |
| 5. Public Comments | None |
| 6. Commissioner's Comments (Reports from Liaisons) | None |
| 7. Chairman's Comments | Mr. Leonard stated he would not be available to attend City Council session for February. Ms. Richardson and Mr. DeWitt both stated they would attempt to attend. Ms. Britt stated Ms. Forbes would not be reapplying for a new term. |
| 8. Council Liaison's Comments | Ms. Dasch thanked the Commission for the work performed during the meeting. |
| 9. Staff Comments | None |
| 10. Adjournment | There being no further business Mr. Leonard asked for a motion to adjourn. <u>MOTION</u> Nick Amico motioned to adjourn the regular meeting. Rebecca Richardson seconded. VOTES: AYES Unanimous |

Chairman

Attest:

Secretary