

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
JOINT MEETING WITH THE BMUC AND MAYOR & COUNCIL PRESENT
TUESDAY, AUGUST 27, 2019**

PRESENT: Chairman Robert Maricle, Vice Chairman David Parmelee, Rico Aiello, Steve Jamison, Doug Moore, Jon Hart, Mayor and Council Liaison Rick Byrd
Staff Member(s): Town Planner / Zoning Administrator Ethan Strickler

APPROVAL OF MINUTES: July 23rd, 2019 Regular Meeting

The minutes were approved as presented noting that Robert Maricle needed to be marked as absent from the July meeting because he was not in attendance.

The Following Mayor & Council and BMUC members were present: Howard Long, Eldon Jones, Bobby Mose, Marilee Kerns, Dave Wade, Tony Nally, Bob Sweeney, Stu Mullendore

NEW BUSINESS

Capacity Reserve Fee Discussion – Reserving Available Water/Wastewater Capacity

Town Planner Strickler distributed the Town's current policy for allocating water and wastewater capacity. He noted that the time was appropriate to have a larger discussion on whether the current policy fits for the Town's current context, and if any amendments are desired, they should be made soon with potential development in the near future. Strickler stated that, currently, the Town has a first-come, first-serve policy, which he summarized for all of the commissions and officials present. Strickler indicated that staff, internally, have discussed including a capacity reserve fee to the policy.

Rob Maricle asked if capacity reserve vs. deposit required would differ at all, functionally. Town Manager Mantello explained that a reserve capacity fee would be put into place to replace the existing deposit policy. Bob Sweeney of the BMUC added that any amendments, changes, or updates to the existing policy would be initiated to eliminate any inconsistencies in the existing policy. Sweeney stated that public works agreements should not be present within the allocation policy, and instead be in developer agreements. Chairman Maricle agreed, and suggested modifying the existing policy for approval by the Planning Commission and BMUC before presenting a recommendation to the Mayor & Council. Maricle suggested that the Planning Commission attend the BMUC's next meeting to discuss the topic. The group decided that the Planning Commission would attend the BMUC's September 18th meeting to discuss changes to the policy and capacity reserve fees.

Chairman Maricle asked staff to send notice and attachments to the Planning Commission ahead of the September 18th BMUC meeting.

Introduction of new Planning Commission member Jonathan Hart, Planning Commission Vacancy, and Town Commission Updates

The Commission welcomed Jon Hart and suggested advertising on the website and in the newspaper for the final Planning Commission vacancy.

BNCP19-02 – The Preserve at Fox Gap Residential Subdivision Concept Plan Review with the BMUC and Mayor & Council

Trevor Frederick was in attendance to speak on the Preserve at Fox Gap Residential Subdivision Concept Plan. Town Planner Strickler introduced the plan to the commission and went over his staff report. He noted that the Mayor & Council did previously pass a resolution to allow this plan submittal to move forward to the Planning Commission. Strickler noted that the concept had 118 lots, but that stormwater management and other outlots were not accounted for yet in the concept. Chairman Maricle asked how land on the western side of the stream running through the property, marked as not for development, would be addressed in the future. This area is characterized by a significant wetland area. Chairman Maricle asked Mr. Frederick to address this area in future concepts so the commission could have an idea of what the property owner was thinking for this part of the property. Strickler noted that on the other side of the property (east side)

the panhandle lots would not be able to be approved because they are prohibited by the Town's ordinances, but that the density in this area of the property looked good and complied with low density residential zoning (suburban residential).

Trevor Frederick spoke about a 35 foot buffer along the edge of the property utilizing an easement and potentially incorporated a walking trail. Strickler suggested that moving one of the neighborhood roads further north would eliminate the lots along the property boundary in concern because it would create a larger buffer between the subdivision and the neighboring property. Robert Maricle stated that a 35 foot buffer with vegetation would be sufficient. Maricle suggested presenting alternatives for what the buffer would look like.

Frederick made a comment on emergency vehicular access, which was then discussed by the group. He stated that subdivisions with greater than 100 lots typically need more than 1 access point for traffic, and that a second emergency vehicular access would be really important in the context of this development, particularly if it ended up being greater than 100 lots. The width of Ostertag Pass was discussed with respect to ensuring proper access for emergency vehicles. Discussion continued around the topic of parking in front of the residential lots, lot size, and setbacks, with Frederick noting that the majority of the lots were between 8,000 and 10,000 square feet.

Doug Moore brought up the sidewalk issue in front of Tri-County Pumps, noting that the developer was responsible for this section of sidewalk. Trevor stated that they had to update the plan and get an SHA revision that includes the sidewalk, all located within SHA right-of-way with the sidewalk moved closer to the Traffic Circle and further from the Tri-County Pumps property. Staff noted that Tri-County Pumps should be properly notified. Trevor Frederick stated that the Pump Station upgrades, specifically the directional boring operation, would take place in the next couple of weeks at the beginning of September. Strickler stated that the Town would be meeting with High's in the near future.

Strickler brought up that the Mayor & Council had stated the concern that any open space land the Town receives as a part of the development should be both useful for the Town and easy to manage. The Town has expressed legitimate concerns over adding more land that could be a drain on Town resources. Strickler stated that he would discuss this issue with the developer as the concept evolves.

Fletchers Grove – Additional Capacity Discussion for Dean South Parcel

Bill Brennan gave a conceptual presentation on developing out Fletcher's Grove. He spoke about the different areas of Fletcher's Grove, including Ringley, Dean North, Dean South, the Dean property, and the Courtney Property. They updated their proposed age-targeted units to 20 total, up from 12 from their previous concept plan. The group discussed how the 7 southern acres of Dean South was already in town before the annexation of the rest of the property, and therefore does not have a "tap allocation." Jim Draper requested an allocation of 30 additional units to cover all of the proposed development in the Fletcher's Grove subdivision (121 total lots, current allocation total of 91).

Conversation shifted to the SHA access permit for Chase Six BLVD and its connection to Maple Avenue, and that they still did not have an approved permit. Jim Draper stated that the developer could not get an SHA access permit without an approved concept plan. With respect to the Ringley property, because of steep slopes in the area, Mr. Brennan stated less density is more appropriate for the parcel. Strickler made sure to clarify to the group that the only new proposals in the concept that was presented was the development of Ringley, the Courtney property, and the Dean property. For the record, the group discussed that there was no stormwater management currently present in the Knode Circle neighborhood.

Greater discussion involved speaking about how school children could access the school property from the new neighborhood. Bill Brennan noted that, with respect to sidewalks and ADA requirements, sidewalks without connections to other sidewalks were very frowned upon. Different options were discussed regarding how to get kids from the neighborhood to the school property, with everyone agreeing that this would continue to be an important topic as the concept and development plan becomes more formalized. With respect to utilities, the developer stated that wastewater would be gravity fed, meaning no pumps would be necessary for the development, and the water lines should be looped through the Knode Circle water line.

Town Staff gave the developer the Town's existing policy on allocation. Chairman Maricle stated that town's capacity is allocated on a first come first serve basis. Jim Draper asked whether there was any way to get an additional allocation for 30 additional taps. Town Staff and the Commission stated that they should follow the existing policy. Strickler stated that, with respect to water, there were 199 EDUs of additional capacity left on the shared system overall (un-allocated).

Chairman Maricle entertained a motion to approve the concept of the plan presented with the additional lots. Doug Moore made the motion, Rico Aiello seconded the motion, and the motion carried unanimously.

The developer and their engineer indicated that they would be back next month.

Sycamore Run As-Built Reviews and Bond Reduction Requests for Phase I and the Young Avenue Pump Station

Town Planner Strickler gave a presentation on what he reviewed with respect to bond reduction requests for Phase I and the Pump Station in the Sycamore Run neighborhood. He stated that Phase III was not quite ready for review because of intensive development in the stormwater management ponds to have them completed. Strickler showed the commission the punchlists he gave the developer for Phase I and the Pump Station. He stated that the stormwater management ponds are ultimately inspected and approved by Washington County.

Strickler stated that, on all of the improvements the Town is ultimately responsible for, for the bonds and Public Works Agreements Phase I and Young Avenue Pump Station that he felt comfortable reducing the bonds to the 95% and One-Year Maintenance Agreement level contingent upon the punchlist items being fully addressed. He stated that he would not take it to the Mayor & Council for final approval until the punchlist items were satisfactorily completed.

For Phase I, the chair entertained a recommendation for approval of the 95% reduction contingent upon staff's recommendation of the punchlist items being adequately addressed. Rico Aiello made a motion, Doug Moore seconded, and the motion carried.

Strickler then discussed the Young Avenue Pump Station. The public works agreement for this pump station only contains a one-year maintenance agreement period from the time the work is complete and when all of the homes are occupied (which is now the case). The Commission stated staff could move forward with determining when the punchlist for the pump station was complete and moving forward with the one-year agreement.

Strickler asked Steve Oder about sidewalk construction and the connection along Monument Drive all the way to Potomac Street. Steve stated that the sidewalk contractor would be there in the near future. David Parmelee also asked about this sidewalk connection. Strickler stated that the plans note it is a 4 foot wide sidewalk.

PLANNING AND ZONING UPDATES

Orchard Drive (London Fog) Update (potential September Meeting agenda item)

Strickler stated that Mark Hrubar indicated he would like to come to a future planning commission meeting. The commission asked for a more formal and legitimate proposal from the developer if he wanted to be on the agenda.

Temporary Storage Container Draft Ordinance Discussion and Recommendation to the Mayor & Council (September Agenda Item)

Strickler stated that the draft ordinance would be ready for the September Planning Commission meeting.

Sycamore Run As-Built Review and Bond Reduction Requests for Phase III (September Agenda Item)

Strickler stated that Phase III would be a future agenda item (for bond reduction requests for Sycamore Run) in September or in another future month.

CITIZEN COMMENTS

Sandra Garcia, a neighbor of the Preserve at Fox Gap property, expressed her concerns over development on the property and impacts on her property and livestock (horses). Strickler stated that the resident's concern, particularly the discussion about the importance of a buffer, was well documented and was being taken into account with respect to this development. The group also discussed drainage and water flow across the property, including stormwater management concerns Sandra had with respect to this development.

COMMISSION MEMBER COMMENTS

None.

ADJOURN

Robert Maricle adjourned the meeting at 8:17pm.

Respectfully submitted,

Ethan Strickler,
Town Planner / Zoning Administrator