

***City of Riverside
Planning Commission Meeting***

June 21, 2021

Members Present: Julie Denning
Jonathan Hairston
David Owens
Anthony Rodgers
Harold Vazquez

Members Absent: None

Others Present: Nia Holt, Zoning Administrator
Gary Burkholder, Community Development Director
Katie Lewallen, Clerk of Council

CALL TO ORDER: Chairwoman Denning called the City of Riverside Planning Commission meeting to order at 6:54 p.m. (technical difficulties delayed the meeting scheduled for 6:30 pm)

ROLL CALL: Mrs. Denning, present; Mr. Hairston, present; Mr. Owens, present; Mr. Rodgers, present; and Mr. Vazquez, present.

PRESENTATION: Chairwoman Denning and the other commissioners recognized Mr. Rick Kaufhold for his 15 years of service on the City of Riverside Planning Commission. He was presented with a plaque with all the commissioner's signatures. Mr. Kaufhold commented that he actual started out volunteering with the city on the Health & Safety Commission for a year. He stated he learned a lot on the planning commission and how the city works and how government works. He encouraged others to volunteer on a commission as volunteers are what make the city go. He thanked everyone for attending and for his opportunity to work with the commissioners.

APPROVAL OF MEETING MINUTES: Mr. Hairston motioned to approve the minutes of the May 17, 2021 meeting. Mr. Vazquez seconded the motions. All were in favor; none opposed. **Motion carried.**

PUBLIC HEARINGS:

- A) **PC #21-0008 – Final Plat – (Parcel ID # I39 00520 0091) – A Lot Split application to create two (2) parcels from one (1) lot – Public Hearing**

Chairwoman Denning opened the public hearing for Case #21-0008.

Ms. Holt stated this is a final subdivision plat to create two tracts from one parcel. The total area is 5.91 acres. She presented the case summary. The applicant plans to construct an 8,000 sq. ft. single-family residential structure on the proposed northern parcel. The proposed structure was approved last year by the City of Riverside. The county public health expressed concerns with the

soil quality of Tract 1 parcel and recommends a soil study be done. She presented the zoning map, aerial map, plat plan, site plan, and site photos. She reviewed the standards of approval. She stated the lots meet all dimensional requirements for the zoning district it is in. The lots are large enough to accommodate a single-family structure and a future one on the southern lot. The property has been properly surveyed. There is adequate utility and storm water management and access will not be impacted; however, MCES noted there is no water or sewer on the site. Septic has been approved for Tract 2 and a well is already dug. The proposed lots have been sent to the fire department for emergency access review. Staff finds the subdivision is adequately justified and meets the standards of approval with the following conditions: plat must be recorded with the Montgomery County Recorder's Office, all mainline extensions and service connections are to be in accordance with MCES Rules & Regulations and Standard Specifications, a soil study must be conducted on Tract 1 prior to construction on the site, and a water source must be provided prior to obtaining a Certificate of Zoning Approval for any proposed structures on the resulting lots.

Chairman Denning asked if on the water source it was for Tract 1 as there is already a well on Tract 2; and the same would be for the soil study on Tract 1. Ms. Holt confirmed that was correct.

Mr. Hairston asked if the soil study comes back negative, will they be accountable to do anything. Ms. Holt replied they would be required to make the connections to water and sewer. The closest one would be to the Brantwood subdivision.

Ms. Holt stated the applicant was unable to connect as he is out of the country.

No one wished to speak. Chairwoman Denning closed the public hearing.

Mr. Rodgers motioned to approve PC #21-0008 – Final Plat – (Parcel ID # I39 00520 0091) – a Lot Split application to create two (2) parcels from one (1) lot as recommended by city staff and with the conditions that were spelled out by city staff. Mr. Vazquez seconded the motion. Roll call went as follows: Mr. Rodgers, yes; Mr. Vazquez, yes; Mr. Hairston, yes; Mr. Owens, yes; and Mrs. Denning, yes. **Motion carried.**

B) PC# 21-0009 – Text Amendment – Public Hearing to consider the recommendation of an amendment to the City of Riverside Unified Development Ordinance Chapter 1105 to allow and outline procedures for design standard waivers – Public Hearing

Chairwoman Denning opened the public hearing for Case #21-0009.

Ms. Holt stated this was brought forward by staff to amend the UDO Chapter 1105 to allow and outline procedures for waivers of design standards. Ms. Holt reviewed the current zoning code regulations that only permits dimensional variances and what can be waived; it does not have any standards for how to waive it or a way to do so. She added there are storm water requirements that can be waived, but it is a very specific situation like one single-family lot, not a whole subdivision. Items to be addressed with the text amendment include: definition of waiver, determining a minor or major waiver, what needs to be reviewed at a staff level versus a commission level, and the process for that waiver review. She provided examples from recent cases: corner lot that wants a

privacy fence, but has two front yards; chain link fence in front yard; landscaping requirements for a 25' right-of-way in the front and a 10' landscape buffer that needs met, but can't meet that with the current code; and two ground signs where a business wanted to erect a ground sign but found another business had erected on their property so they could not have the second ground sign.

Ms. Holt listed the proposed changes:

- Amends the UDO to provide a process for waiver reviews for staff and planning commission
- Provides a list of standards for approval
- Creates a definition for waivers and specific waiver types
- Affirms the waivers identified in other sections of the UDO
- Establishes an expiration period for waiver approvals if the development is not completed or the applicant does not request an extension
- Permits waivers for specific design standards

Proposed changes for planning commission level reviews include: establishing a substantial or major waiver is a request of more than 15% of the requirement; provides standards for parking, sign, sidewalk, and other substantial waivers; and creates a parking study standard for major parking waivers. Staff level reviews include: establishing minor waiver requests as a deviation of 15% or less, amends the UDO to permit staff to review and approve minor parking, sign, landscape, and architectural design waivers, privacy fences in the front yard, additional ground signs on corner lots, and accessory structures larger than the principal in R-1 and R-2.

Ms. Holt added that she did give this to the legal counsel and they did not see anything that would be an issue, legally. Chairwoman Denning asked if this was allowing for a little bit more for what is going on in the immediate area. Ms. Holt confirmed that was accurate. Mr. Rodgers asked how the 15% would apply. Ms. Holt replied it was more in the realm of landscaping or parking that is where that would be triggered. It was based off the threshold currently held for variances. Mr. Rodgers asked if the 15% would apply to every type of waiver. Ms. Holt replied it would not; it is more detailed in the text. Mr. Rodgers asked how it is distinguished between a minor and major waiver if defined by 15% deviation. Ms. Holt stated in the instance of a sign waiver, if someone wants to put up an ice cream cone sign that would be a major waiver because it does not fit into the traditional definition of a sign so that would come to planning commission. If it is specified in the text amendment they wanted two ground signs on a corner lot that would go to staff. There is specificity in the text.

No one came forward to speak pro or con. Chairwoman Denning closed the public hearing.

Mr. Owens motioned to approve PC#21-0009 text amendment to the City of Riverside Unified Development Ordinance Chapter 1105 to allow and outline procedures for design standard waivers. Mr. Hairston seconded the motion. Roll call went as follows: Mr. Owens, yes; Mr. Hairston, yes; Mr. Rodgers, yes; Mr. Vazquez, yes; and Mrs. Denning, yes; **Motion carried.**

- C) **PC# 21-0010 – Lot Consolidation – 4641 Oakdell Avenue (Parcel ID # I39 101411 0008, I39 101411 0030, and I39 101400 0031) – A final plat to consolidate three (3) parcels into one (1) lot – Public Hearing**

Chairwoman Denning opened the public hearing for Case #21-0010.

Ms. Holt reviewed the case for a final subdivision lot consolidation plat application combining three parcels into one lot on 1.49 acres. She reviewed the case summary of the church located on Oakdell Avenue. The applicant has been approved to construct a 10,800 multi-purpose building on the rear of the church; approved last month by planning commission. The new addition would not be allowed to be constructed over the existing property lines so the applicant came back to consolidate the existing lots. She presented the zoning map, an aerial map, the plat plan, the site plan, and site photos of the church. She reviewed the standards of approval. It meets the applicable parking, storm water, and lighting requirements, but the proposed addition will require a variance for the rear yard setback and maximum lot coverage. Applicant has already submitted variance applications. The property has been properly surveyed by a licensed surveyor and submitted to staff. The lot has all the appropriate access management, utility management, and storm water management. The proposed lots have been approved for emergency access. The fire department informed the applicant that fire department access road(s) shall be maintained through parking lot with 20' minimum width access. This consolidation will result into one lot. Staff recommends approval of the subdivision request with the condition that the plat must be recorded with the Montgomery County Recorder's Office.

Mr. Hairston asked if the surrounding lots had any issue with this. Ms. Holt stated surrounding lots received a notice and she did not receive any feedback. She heard during the site plan review from the neighbor to the north, and they had concerns how close the addition was to their property, but not about the consolidation of the lots. Chairwoman Denning stated that when they came for the addition approval they only had positive comments; the residents all came in favor of it.

No one came forward to speak pro or con. Chairwoman Denning closed the public hearing.

Mr. Owens motioned to approve PC#21-0010 lot consolidation 4641 Oakdell Avenue (Parcel ID # I39 101411 0008, I39 101411 0030, and I39 101400 0031), a final plat to consolidate three parcels into one lot and to have them submit the mylar as requested by staff. Mr. Rodgers seconded the motion. Roll call went as follows: Mr. Owens, yes; Mr. Rodgers, yes; Mr. Hairston, yes; Mr. Vazquez, yes; and Mrs. Denning, yes; **Motion carried.**

- D) PC# 21-0011 – Final Plat – Old Troy Pike (Parcel ID # I39 00520 0023 and I39 00511 0028) – A final plat (lot split) application to create three (3) parcels from two (2) lots – WITHDRAWN PER APPLICANT REQUEST**

Chairwoman Denning stated this was a final plat on Old Troy Pike that was withdrawn per the applicant. Chairwoman Denning motioned to withdraw PC# 21-0011 from their docket. Mr. Vazquez seconded the motion. Roll call went as follows: Mrs. Denning, yes; Mr. Vazquez, yes; Mr. Hairston, yes; Mr. Owens, yes; and Mr. Rodgers, yes. **Motion carried.**

- E) PC# 21-0013 - Lot Consolidation – 2121 Harshman Road (Parcel ID #I39 00203 0002 and I39 00414 0004) – A final plat to consolidate two (2) parcels into one (1) lot – Public Hearing**

Ms. Holt reviewed the case summary for 2121 Harshman Road, which has been before the planning commission before on March 15, 2021 and has been approved to redevelop the 101,765 sq. ft. structure formerly known as Morris Furniture into an indoor self-storage facility. She presented the zoning map, an aerial map, the plat plan, the site plan, and site photos. She reviewed the standards for approval. The proposed site meets all the standards for approval. A variance was identified by the service department to reduce the required distance between the drive entrance along Harshman Road and Transportation Drive. The applicant has since submitted a variance application. The proposed redevelopment has adequate space to accommodate the building area and other site requirements. The property has been properly surveyed by a licensed surveyor and all required information has been submitted to staff. The proposed lots have been approved for access management, utility management, and storm water management. The proposed lots have been approved relative to emergency access. The applicant is eliminating the northern most drive to improve the safety of movement and circulation on the site. The proposed subdivision shall result in no more than five parcels including the parent lot. Staff recommends approval of the subdivision request with the condition the plat is properly recorded with the Montgomery County Recorder's Office. Chairwoman Denning asked when they closed the northern lot will they remove the asphalt to make sure there is no mistake it is not an entry. Ms. Holt replied yes; they will also be adding landscaping. There are currently four entries; this will make it three.

Mr. Burkholder stated the applicant is online and could answer questions, but did not feel he had additional comments unless members wanted to hear from him, Mr. Zach Williams. Ms. Holt stated the surveyor is also online.

Chairwoman Denning opened the public hearing. Mrs. Pat Matheny took the oath to give sworn testimony. She stated there is a road that goes between Morris and the church and a long driveway that goes to an empty lot, behind that are four acres. She asked if they are proposing the driveway that goes back to the four acres that has to be mowed be closed. She had surveyors on her back fence who told her they were surveying the property for Morris. She wondered about the driveway with all the grass back there (inaudible)...but the rest the church has to mow. (inaudible)

Mr. Burkholder asked how they currently access that. Ms. Holt showed that they were closing the access to Morris off of Harshman and not the whole private driveway. Mr. Burkholder stated it gives them access to the back of the building. The other lot he does not believe Morris owns that. Ms. Matheny stated she was concerned about the grass being mowed.

No one else came forward to speak. Chairwoman Denning closed the public hearing.

Mr. Rodgers motioned to approve PC#21-0013 lot consolidation 2121 Harshman Road #I39 00203 0002 and I39 00414 0004, a final plat to consolidate two parcels into one lot and to have it recorded with the Montgomery County Recorder's Office. Mr. Vazquez seconded the motion. Roll call went as follows: Mr. Rodgers, yes; Mr. Vazquez, yes; Mr. Hairston, yes; Mr. Vazquez, yes; and Mrs. Denning, yes; **Motion carried.**

- F) **PC# 21-00192 – Design Review – 32 Woodman Drive (Parcel ID # I39 00114 0043) – A request for a second ground sign on the premise –**

Public Hearing

Ms. Holt provided the background on this second sign request for the Circle K. She reviewed the case summary how they original came to BZA for a second sign; and the BZA found that a variance for a second sign was not a dimensional variance it was a design standard. In Section 1115.11 of the UDO the planning commission has the authority to review and approve the architectural design as recommended by staff of all new, non-residential buildings and additions to existing buildings. She reviewed the requirements for a ground or projecting sign in Section 1115.09 and where the authority is granted to the planning commission in Section 1115.11.C.2. She presented the zoning map, an aerial map showing where they want the two signs, a site plan, a sign rendering, and site photos of where the signs will be. Staff finds that because it is on a corner lot and it makes sense to have one sign on each frontage and is not unreasonable. Staff finds the request for the second sign meets the spirit and intent of the design regulations. Staff recommends approval.

Chairwoman Denning opened the public hearing. Jesse Isai Delarca, civil engineer for Circle K, took the oath to give sworn testimony. He stated he was able to answer questions. Ms. Holt presented what they were looking for. The site as it is right now is a right-in, right-out on Woodman Drive. They are trying to get traffic coming from the south of Woodman Drive to see the sign in advance to get into the right-in only. It is not meant for anyone coming south on Woodman Drive. It is to give advance notice to the public to see where they are at.

Mr. Hairston wanted to verify that both signs will be identical. Ms. Holt confirmed that is what the proposal said that they were given.

No one else wished to speak. Chairwoman Denning closed the public hearing.

Mr. Hairston motioned to approve PC# 21-00192, design review for 32 Woodman Drive, Parcel ID # I39 00114 0043, as a request for a second ground sign on the premises. Mr. Vazquez seconded the motion. Roll call went as follows: Mr. Hairston, yes; Mr. Vazquez, yes; Mr. Owens, yes; Mr. Rodgers, yes; and Mrs. Denning, yes.

OLD BUSINESS/DISCUSSION ITEMS:

A) Joint Work Session – Ms. Holt stated she sent an email giving more information about this joint work session to be held on August 12 at 6:30 pm. Jim Miller, legal counsel, will talk to planning commission, BZA, and council about land use law and relative laws regarding recent cases in municipalities. Meeting will be held in council chambers.

B) Planning Commission Work Session – Ms. Holt stated this would take some time. She is aware they have put this off and there is a lot they want to get done, but she is aware everyone does not have a lot of time. She thought they may take a tour of the city, get some bylaws down, and discuss training. Chairwoman Denning stated what they want to see is to sit down and talk with her and lay some things out they constantly are juggling around in the UDO; things that she has come across and things from the past. She wants to start tackling those areas that they can make better in the UDO and what can they work on. She added they have been asking about this for some time. They have been asking to do this in some sort of work session for well over a year

now, probably two years. Ms. Holt asked if they were asking for a regular work session where they hammer out a different topic every time. Discussion was held on putting a plan together.

Mr. Burkholder stated once they hear back from the land bank on their application for funding, they hope to kick off the comprehensive land use plan. This will be the foundation of the changing of the UDO. They will probably enlist some professional services in rewriting the UDO as well in conjunction with the commission there will be that interaction. They have to make sure the code is compliant with current law and other unique items such as a PUD, mixed-use development zoning, and some of those tools that have changed over the years. They would like to incorporate that into the UDO so they have more flexibility. The foundation will be the comprehensive land use plan, which will include citizen engagement and the planning commission. A major component of the RFP was that they have visioning and input from the commission, the community, and the council as to what they want to see for the future of Riverside. He asked if everyone who signed up for the APA Planning online been able to access the link. The link is on YouTube. He stated they could access that as much as they want. There were a lot of good presentations; some he emphasizes for the commission include: conflict of interest and ex parte communications. They brought the training to the commission to keep the commission in compliance with legal recommendations and best practices. Chairwoman Denning asked if they were not moving forward with the planning commission work session. Ms. Holt replied that they are as they have a lot to do even outside what they have talked about. She thinks it is going to take several work sessions. Chairwoman Denning stated they have offered to do extra meetings for some time. She does not see that as being an issue. Discussion was held on extra meetings and the preparing of meetings staff currently does, along with the additional vacant property registration, which will be onboarded near the end of July.

Mr. Rodgers stated that the land use plan is standard procedure for most communities. The topics they might want to consider would be some things that come up before a long-range plan is put in place. The decks and porches amendment was brought forth by staff for them to consider and it got bounced around and didn't get a final conclusion for a very long time. Even the text amendment tonight with design standard waivers, he thinks it would be helpful for them to exchange on ideas like that with staff prior to a public hearing. This is really the first discussion they had on that particular text amendment in any great detail when it is presented for a public hearing. Maybe the work session would be defining the areas such as these that staff and planning commission have a common interest in advancing at an earlier date than the land use plan and the subsequent work that would come to the UDO after that. They could address areas they know that need addressing now that would be to the benefit of both the commission and staff prior to the land use plan. Mr. Burkholder stated that makes sense and should run concurrently. He asked if there were some areas the commission has identified that they would like information. Mr. Rodgers stated he would like the opportunity to look back at his notes. He added with the change of staff numerous times things got pushed off. Part of the process would be for them to look at some of the discussion on issues of importance that were brought by staff and the commission. Discussion continued on work sessions for the planning commission.

ZONING ADMINISTRATOR DISCUSSION TOPICS:

Ms. Holt stated she would like as a goal to get two to three work sessions on the schedule before

the end of the year. Mr. Burkholder asked if that would be part of the regular meetings of in addition to their meetings? Chairwoman Denning commented it would probably be special meetings to get the businesses that are coming in to the city. She stated they could schedule a second meeting every other month as long as it is not the fourth Monday. Mr. Burkholder stated once they get the planning consultant onboard, they want to see when the meetings on because there will be community engagement meetings as well. He added that the Kroger project will take a lot of time and detail as well. Chairwoman Denning suggested they put a line item on the agenda so they have a place to keep track as they find things or Nia finds things they can do before the land use study. They may be able to chip away at smaller items during regular business meetings. Ms. Holt asked for clarification on “chipping away”. Is it an item in the code that needs amended because that is research or will them keep visiting it meeting after meeting? She does not think they can do things in a single meeting and do it justice. Chairwoman Denning stated with the porches and decks they had a couple of meetings where they discussed it and they came up with what they wanted to see and then she was able to get a job finished that someone else started. If they have areas where she is continually denying or can’t find a work around, they can examine if they want to put a work around in the text. She wants to work on those and get them done. If there is a list some areas may not take as much time as other areas. Discussion continued on identification of issues and prioritization along with work by staff or commission to successfully address it. Ms. Holt asked if they were willing to bring forward research for a collaborative effort. Chairwoman Denning and Mr. Rodgers stated they have done that on a number of issues.

MATTERS BY THE COMMISSION: Chairwoman Denning announced people could visit the Flying Ace Car Wash and help support the Mad River Jaycees.

Ms. Holt stated they are still looking for a member for the BZA if anyone on planning commission would like to share that information with people they know.

ADJOURNMENT: Mr. Owens motioned to adjourn. Mr. Rodgers seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 8:09 pm.

Chairwoman

Date