

The Easton Planning Commission met on Wednesday, February 6, 2013 in the 6th Floor Council Chambers, Easton City Hall. The meeting was called to order at 6:30 p.m. by Charles Elliott. Present: Charles Elliott, Robert Sun, Dennis Lieb, and Ronald Shipman. Also in attendance were staff members Becky Bradley; Director of Planning and Codes, Brian Gish; Chief Planner, Tina Woolverton, Secretary. Solicitor Joel Scheer was also present.

The agenda was approved.

A motion to approve the minutes of the January 16, 2013 meeting was made by Mr. Lieb seconded by Mr. Shipman, approved by all.

**Privilege of the Floor.** Mr. Lieb read a statement regarding his dismissal from the West Ward Neighborhood Partnership and his decision to remain on the Planning Commission.

**Special Exception 927-929 Northampton Street.** Ms. Bradley said the applicant, Brad Piperata, proposes to establish a Personal Service use in the rear of a building at 927-929 Northampton Street. The 4650 s.f. rear area of this building is currently being utilized for warehousing and storage, and the applicant desires to convert it to a wrestling school. The front area of the building is currently occupied by Holcomb Behavioral Health Systems. The property is located in the West Ward Zoning District; Block Class B, where the proposed Personal serviceuse is not permitted. However, the property is also located in the Street Corridor Enhancement Overlay District, where Personal Services uses are permitted by Special Exception.

Ms. Bradley said a conversation with Mr. Piperata, on January 28, 2013, revealed that he wants to use the rear portion of a building for a wrestling school. Besides wrestling, other instructors would be available for personal training, martial arts instruction, and boxing. The applicant indicated that the wrestling training would be for ages from 5-24, with a maximum of thirty participants per session. Each session is between 1 and 2 hours. The applicant also stated that only training would occur here, and there would be no events associated with this business. The hours of operation are proposed to be after school until 9pm Monday thru Friday, and Saturdays and Sundays from 8am-2pm. The entrance to the rear portion of the building is located along N. 10<sup>th</sup> Street.

Mr. Lieb said he could see some conflict with parking, given that the hours of operation are in the late afternoon and evening. He noted that people park diagonally on N. 10th to allow for additional parking, and suggested that the City look at formalizing and striping that parking configuration. Mr. Sun questioned where the entrance to the building would be. Mr. Gish said there is a door along 10<sup>th</sup> Street, next to the garage door.

Mr. Elliott said, per the application, 18 off-street parking spaces were required, but none were being proposed. He asked if that required a variance from the Zoning Hearing Board. Ms. Bradley said it did. Mr. Elliott recommended adding condition #4 to the draft resolution noting that the variance was required. Mr. Elliott further stated he is concerned with the multiple applications being received for a few block area that do not propose off-street parking. He said it may dictate the need to look at parking options, such as the diagonal parking previously mentioned. A motion to approve the revised

resolution recommending approval to the Zoning Hearing Board was made by Mr. Shipman, seconded by Mr. Lieb, approved by all.

**Special Exception – 1054 Northampton Street.** Mr. Gish said the applicant, Cesar Montesdeoca, proposes to establish an Eating & Drinking Places (Restaurant) use on the first floor of a Mixed-Use two-story building at 1054 Northampton Street. The first floor at this location is currently vacant. The applicant proposed a Deli/Grocery store in June 2012, and received approval from the Zoning Hearing Board in July 2012. The applicant informed the City that he was not going through with that proposal in December 2012 because he wanted to open a restaurant at this location instead. The property is located in the West Ward Zoning District, Block Class B, where the proposed use is not permitted. However, the property is also located in the Street Corridor Enhancement Overlay District, where the uses are permitted by Special Exception.

A conversation with the applicant on January 23, 2013, revealed that he proposes to establish a Spanish style restaurant at 1054 Northampton Street. The applicant indicated this would be a family-operated business, and there would be four employees. The hours of operation are proposed to be Monday thru Saturday from 8am – 8pm, and Sunday from 8am-7pm. The applicant indicated that there is one off-street parking space located behind the building where an employee would park during business hours. According to the applicant, deliveries would be made in small delivery vans, and no tractor-trailer deliveries would be associated with this business. The applicant also informed staff that his family has operated this type of restaurant while they were living in New York City.

The applicant was present. Mr. Shipman asked Mr. Montesdeoca how soon he planned to open. Mr. Montesdeoca said within six months. Mr. Shipman also asked him if he has investigated whether there were parking issues at the site. Mr. Montesdeoca said there are two spaces for employees, one of which is in the on-site garage. Mr. Shipman then questioned how deliveries would be made. The applicant said the deliveries would be made by vans from 11<sup>th</sup> Street. Mr. Lieb said he is glad to see the building being used to its potential. Mr. Sun questioned the size of the space. Mr. Montesdeoca said it is approximately 2,000 s.f. and would be roughly 50% kitchen and 50% seating. He said the seating area would include ten tables.

Mr. Sun questioned why so many seats were being planned with the parking issues. Ms. Bradley said the number of seats is set by building codes. Mr. Sun asked what provisions were being made for trash. Mr. Montesdeoca said there would be a dumpster in the rear of the property. Mr. Shipman commented that there was no way to solve the parking problems. Mr. Lieb noted the restaurant will seldom be at full seating capacity.

Mr. Elliott said the variance and special exception request will be decided by the Zoning Hearing Board. He recommended revising the draft resolution to include a clause requesting that consideration be given to a condition regarding the number of seats available for the application in light of the variance required for the parking requirement.

A motion to approve the revised resolution recommending the Zoning Hearing Board grant the special exception request was made by Mr. Sun seconded by Mr. Shipman, approved by all.

**Special Exception – 316 Northampton Street.** Ms. Bradley said the applicant, Jonathan Davis, proposes to establish a Cottage Industry (Food Production) use in the kitchen of the Bank Street Annex at 316 Northampton Street. Mr. Davis is also the owner of the Bank St. Annex. The property is located in the Downtown Zoning District, Block Class B, where the proposed Cottage Industry use is not permitted. However, the property is also located in the Street Corridor Enhancement Overlay District, where Cottage Industry uses are permitted by Special Exception. This site received approval for salsa making, which is similar to the proposed food production use, in October 2009 from both the Planning Commission and the Zoning Hearing Board.

A conversation with Mr. Davis on January 28, 2013, revealed that he wants to establish a Food Production business Monday thru Thursday in the kitchen at 316 Northampton Street. The business will entail the packing of products (meats, creating jerky, and local pre-packaged meals), which will be sold at the Farmers' Market. The applicant indicated the kitchen is currently not utilized during the week, and this proposed business will not interfere with the Bank St. Annex business. The applicant will be the operator and have two additional employees for this business. The hours of operation will be Monday thru Thursday 10am-6pm.

Mr. Davis was present and commented the staff write-up was very thorough. Mr. Shipman asked if any odors would be caused by the food preparation. Mr. Davis said there would not be. Mr. Sun asked how materials were delivered. Mr. Davis said there is a curb cut on Pine Street for unloading. Mr. Sun asked how much additional equipment would be required for the new use. Mr. Davis said very little, they would be replacing the steamer and convection oven and adding a vacuum sealer. Mr. Sun asked if the jerky would be dried or smoked. Mr. Davis said a little of both, but that they were looking at alternatives to smoking.

A motion to approve the resolution recommending approval by the Zoning Hearing Board was made by Mr. Lieb, seconded by Mr. Shipman, approved by all.

**Land Development – The Easton Home – 1022 Northampton Street.** Mr. Gish said the applicant, Presbyterian Senior Living, has proposed to consolidate eleven parcels for the creation of Lot #1 (located at 1022 Northampton Street), and consolidate two additional parcels for the creation of Lot #2 located at 40 S. Warren Street (Lot #2).

Lot #1 is proposed to create one 4-story residential mid-rise apartment building, a new 4-space handicap accessible parking lot, and a new 15-space parking lot. The proposed new mid-rise apartment building will add 52 new low to moderate income independent living units.

With the proposed expansion, it is anticipated the residential population will increase approximately to 103-116. Currently there are 51 residents living in the 53 residential units that are in the existing historic Easton Home. The proposed residential mid-rise building is proposed to be attached to the existing Easton Home building. The existing parking area located on Lot #1 is proposed to be altered from 16-spaces to a 4-space handicap accessibility parking area. The new 15-space parking lot will be located on the southwest portion of Lot #1 along Pine Street. Lot #2 will consist of a new 17-space

parking lot to be used by the employees, residents, and visitors. In total, there will be 36 off-street parking spaces available with this application.

Mr. Gish said the Easton Planning Commission tabled this application on January 16, 2013, until the meeting on February 6, 2013. The applicant has provided additional information and updated plans to staff that answered many of the concerns that were raised at the January 16, 2013, Planning Commission meeting. However, the submitted plans dated November 29, 2012, that were tabled are the ones receiving a recommendation from the Easton Planning Commission.

The proposed improvements for Lot #1 are located in the West Ward Zoning District, Block Class B, where the proposed use is not permitted. However, the site is located in the Street Corridor Enhancement Overlay District where Residential Mid-rise uses are permitted by Special Exception. The proposed Accessory Parking Lot is a permitted use.

The proposed Parking Lot use on Lot #2 is not permitted in the West Ward Zoning District, and will require a Use variance from the Zoning Hearing Board.

The Zoning Administrator has determined that variances for 20 dwelling units per acre, square footage of the apartments, front yard setback, off-street parking, and required site triangle are required for Lot #1. Also, variances for rear yard setback and required sight triangles are required for Lot #2.

Mr. Gish said the applicant has submitted new plans, but the Commission is reviewing the plans submitted for the previous meeting. He said the parking and use issue from the previous meeting remain. Ms. Bradley said the applicant has not agreed to a deed restriction for the facility to remain senior housing or for the parking lot to remain solely for the use of parking for this facility.

Mr. Jason Best, the Project Manager for the Easton Home, said the applicant has a clear preference to set the condition of use for the two lots as a condition of Zoning Hearing Board approval, versus a deed restriction. Mr. Elliott said the deed restriction is much stronger than a condition.

A discussion was held on the parking calculations and how to ensure the parking lot was permanently retained for the use the housing structure.

Mr. Fenstermacher of Presbyterian Homes said the building needs to remain as senior housing for at least 20 years to maintain its tax credits. He added he is willing to accept a deed restriction requiring the parking lot remain solely for the use of the associated housing.

James Flagg of 20 S. 10<sup>th</sup> Street was present. He lives across the street from the proposed expansion. He questioned the use of the lot between the Easton Home and 11<sup>th</sup> Street.

Mr. Curt Ehly was present and said he would like to speak to the Planning Commission about parking in general. Mr. Elliott explained that public comment was already addressed at the beginning of the meeting. Mr. Ehly said parking will be very important in the new Comprehensive Plan, and the Planning Commission should share their

insight with the staff and steering committee. Mr. Elliott explained that the Comprehensive Plan is actually a document of the Planning Commission, and parking is a universal topic relating to it. Ms. Bradley added a comprehensive parking plan will be a part of the transportation portion on the Comprehensive Plan. Revisions to the draft resolution were recommended by Mr. Elliott to points 12, 13 and 14, point 15 was removed and point 19 added.

.A motion to approve the revised resolution was made by Mr. Shipman, seconded by Mr. Lieb, approved by all.

**EAC Update.** Mr. Elliott said the EAC has created their priorities for the year, which are:

- Proposed LEED standards
- Community outreach/events
- New website
- Solid waste and recycling management
- Participation in re-upping solid waste curbside pick-up

**Comprehensive Plan Re-write Update.** Mr. Bradley said a grant in the amount of \$15,000 has been applied for to assist in the survey work for the Comprehensive Plan re-write.

An informal discussion on the Comprehensive Plan re-write followed.

As there was no further business, the meeting was adjourned at 9:45 PM.