

ALTOONA PLANNING AND ZONING COMMISSION MEETING

December 20, 2021

Altoona City Hall

Members Present in Person: Michelle Sloan, Jill Pudenz, Scott Henry, Josh Dunwoody

Members Present Virtually: None

Members Absent: Dan Narber, Erin Herbold-Swalwell, Steve Chase

Staff: John Shaw, Chad Quick, Marina Reasoner, Jenn Naylor

Guests: Meeting was held in a virtual Zoom format and in-person; In-person and online guests included Dave Hansen, Don Timmins, Vern Willey, Eric Cannon, Brad Overturf, Erin Ollendike, Josh Trygstad, Joe Bergman, others not signed in

Vice Chairperson Scott Henry called the meeting to order at 6:30 p.m. Roll call was taken. Four commissioners were present at roll call.

1. Consideration and recommendation of a site plan for Adventurelands of America for new and relocated rides within the Park.

Cody Weaver (Civil Engineering Consultants) presented the request. He showed a site plan with three locations of rides. They were proposing to relocate two rides. The Ladybugs, east of The Underground, would move to the south, and The Red Baron, south of Main Street, would move in a minor way to help with drainage. The project also includes a new, swing-style ride located straight south of Main Street, across from a current pedestrian bridge. Henry asked Staff about any concerns. Shaw said accessibility would be reviewed prior to construction; otherwise, there were no issues. Henry asked for a motion.

A motion was made by Pudenz, seconded by Dunwoody, for recommendation of a site plan for Adventurelands of America for new and relocated rides within the Park.

Votes: Yes – Pudenz, Dunwoody, Sloan, Henry. No – None. Abstain – None. Motion approved, 4-0-0.

2. Consideration and recommendation of a preliminary plat for Gurley Leep Honda Plat 1.

Eric Cannon (Snyder & Associates) presented the request. He explained that they were proposing two lots for the development. The northern lot would be the immediate development with the new Honda dealership. The southern lot is an outlot at this time, but will be developed in the future per market demand. He stated there is one deficiency on the site plan in which they disagree with Staff. There is a request for a 7-foot setback on the south property line. Cannon stated that eventually that would be an internal island to the development. A 7-foot setback there, as well as a 7-foot setback on the southern lot would be a 14-foot island, which they feel is pretty large in their business when it comes to using space. He stated that this was an item that was brought up as part of the DCM revision a few months ago, that was responded to in email. At the time, they had proposed a 2-foot setback from the property line. They are now showing a 4-foot setback. Cannon explained that they are confused, because they thought this had been addressed in the DCM revision and amendment to the C-7 District. The concept has not changed since it has gone before Staff, P&Z, and City Council. They have provided in writing that they were going to provide a 2-foot separation, so this was a surprise to them and the design team. They thought the zoning amendments addressed this specific item. He stated that they had asked Staff to find any loopholes or anything they were missing, and they were very specific on the 2-foot separation. Now it is coming up as an issue. They were asking the Commission's consideration on the matter and felt that 4 feet of separation was more than appropriate. Cannon stated the other issue is screening of the overhead doors to the south. They understand there is an adjacent

property to the south, which they own, and that it could be sold someday. He explained that when someone comes in to the south, they will have to come forth with a site plan. He stated that they had gotten an amendment to allow the overhead doors to face Bass Pro Drive, which was approved. Now there is a concern about overhead doors facing the adjacent lot to the south. Cannon stated that they felt they have brought these issues up previously and addressed everything they thought they needed to address with the project, and now the issues are coming up again. Those are the two issues with which they don't agree with Staff.

Henry asked Shaw about the screening of the south doors. Shaw stated they weren't proposing anything regarding screening of the south doors, but it is mentioned in the Staff report. Henry asked if it were a deficiency that needs to be addressed. Shaw explained going back to the original proposals, with the amendments that were made, they didn't want to put any interior landscape islands in the property. That was an amendment that was made to accommodate their desires. At the time of proposal, the landscaping would be all around the perimeter. The south lot line is the perimeter of the property. A rendering was shown. Henry clarified that it was the lot line between the two lots. Shaw affirmed. Shaw stated that the DCM and the zoning require all overhead and service doors be screened, and there are different ways in which that could be done. The way this was proposed, the perimeter trees would be the landscaping. Because they have overhead doors on all sides of the building, perimeter screening was accepted by City Council. Trees don't provide real screening; they are breaking it up visually. Henry added that usually when they talk about screening overhead doors, it isn't trees they are talking about. Shaw said the City has made many concessions for this project and that this was brought up every time. Providing landscaping on the south side was mentioned. With the Development Plan, they state their intention may be to build another car dealership on the south lot. They are not proposing that now. There is no timeframe, as they stated the market will determine that. He said they can do the screening now, putting in the landscaping and trees. Depending on what happens later, it can be re-addressed then. The property could also be sold. In the Development Plan, it could be a water park, hospitality, or retail. The City isn't precluding them from allowing them to sell that property and have it developed as anything else. At that time, according to the Ordinance, the overhead doors need to be screened. The screening should be put in now, and if they want to come back with something later, it can be addressed later. Maybe a building will end up blocking or screening the view of the overhead doors from Hwy 65. Right now, there is none. All of the lots are highly visible, and they are intended to be attractive from all sides. The Ordinance talks specifically about how to treat overhead and service doors and where they are supposed to be located. They have made many concessions for that. Landscaping is hardly a concession to be worried about.

Cannon stated that they have been very consistent in showing the same plan since the rezoning. They have never shown trees and landscaping on the south side. In their opinion, their intent has been very clear. The revisions to the C-7 district and to the DCM manual were specifically for this layout. They haven't deviated or changed from that. They have provided separation from the south property line based on comments from Staff. They were providing a 2-foot separation as noted in their response letter. He stated it was discussed in the public hearing and there was never any considerations or questions with it at the time, and now it comes back as an issue. Cannon went on to state that they were allowed overhead doors that face Bass Pro, which was approved from an Ordinance standpoint. Now they are talking about overhead doors that aren't directly facing Hwy 65; they are overhead doors that are facing the south property. He stated he was confused by how this is suddenly an issue. Henry stated that he had an issue with the island the first time Cannon was there, and Henry added that he said to put the trees up, and when you build, you can take the trees down along the south border. Cannon asked if he was okay with the overhead doors facing Bass Pro. Henry asked if they were being screened with trees. Cannon said no. Shaw said that it is recessed back and there are landscape islands there, but the concept of how the building is laid out was known and approved. They had gone through the Ordinance and saw everything, including the parking lot setback of 7 feet. Cannon said that they stated they would set it back two feet, and it was approved as a DCM revision. Shaw refuted

that claim, stating that it is in the C-7 Ordinance. The DCM has to comply with the Ordinance regulations. Cannon said that through every step of the process, they would ask if there were problems with the layout that need revisions from an Ordinance standpoint or Design Manual standpoint, and this is the first time they are hearing that this is an Ordinance change that would be required. He said they met with Staff in August and said to lay out everything with this layout that would need to be amended in order to get support. The 7-foot setback was not discussed as an Ordinance revision or Board of Adjustment process or anything. When they had it on the property line, Staff said that it was too close and it needs to be separated, so they provided two feet. At that time, no one said that they could propose two feet, but they'll need to go to the Board or Adjustment or you'll have to amend the Ordinance to do that. Cannon reiterated that they are just confused in that if it were this critical, why it wasn't raised as part of the C-7 district amendment or as part of the DCM revision amendment. Through the five-month process, when they are here with final approvals and have been crystal clear and very consistent throughout the process, they are very confused and asked for consideration on this matter. If they need to go to the Board of Adjustment, that's a process they'll have to go through with the team and take that route. If it's an Ordinance issue that prevents approval, they need to understand what the process is.

Dunwoody stated that they are currently going to be 4 feet from the south lot line, theoretically if the south lot is developed, it will be 8 feet up to 11 feet if the southern was 7 feet off, so they'll have a minimum of 8 feet between the two parking lots. Cannon affirmed, stating that the island separating the two will be 8 feet. On some of the other interior islands, there is no separation and the cars are head-to-head. He said they respect the fact that they are not building at this time, so they are providing separation and not paving all the way to the property line. Pudenz said that the 7 feet was on each side, so 14 feet total and asked how much room was needed for an island to put in a treeline. Cannon said 8 feet would be adequate. He also stated, as Shaw had noted, that they do not have any interior trees. Bird droppings and trees are issues with dealerships, so they did not plan to place any trees internally. All of their trees were going to be on the perimeter of the site, which they identified as the west, north, and east sides. He stated that they were never proposing trees on the south side because of that fact. He stated that Shaw's point is that they can put them in and always tear them out later, but to him, that seems counterproductive. If they sell the lot and another user goes in there, they have to come before the Commission with a site plan. The City has full autonomy to control what goes in there at that time, the material that gets planted, all of those things. If it's a dealership, like is planned, there would not need to be any trees. He doesn't see the purpose in planting the trees just to tear them out. The City has the ability to control that if for some reason there is a waterpark or a hotel or something else that went in there. There would be a site plan and landscaping requirements that would go through the Staff approval process and come before the Commission for approval. Pudenz asked if they had the language of how they approved the rezoning last time. Shaw stated they approved the Development Plan as submitted. There is no landscaping shown in the DCM. Cannon said that's why they provided this plan, to be crystal clear that it wasn't their intention and reiterated that they provided this every step of the way to be transparent and consistent and that is why they are frustrated. Shaw read from the amendment to the Development Plan that they requested: "Site planning elements for the portion of the development allowable for automotive dealerships shall include modifications to the site including the allowances of outdoor display of vehicles, asphalt paving, overhead doors to face adjacent property, no internal islands for vehicle display areas [so no islands inside the parking lot], no screen walls of the building and/or doors, and all required trees to be provided on the perimeter of the site." Cannon stated so it does allow overhead doors to face the adjacent property, based on the language that was approved by Council. Shaw affirmed and stated there were two different things. One was that in the zoning and in the Development Plan, it didn't allow that. Overhead doors and service doors are supposed to be on the functional back of the building. That is applicable to everything other than car dealerships. Also in the Zoning Code, overhead doors are not allowed to face public streets, on the public street side of the building, so they had to go to the Board of Adjustment to get a variance for the overhead doors that face Bass Pro. Cannon stated that wasn't the

Board of Adjustment. That was the rezoning. Shaw stated it was the Board of Adjustment. Cannon stated it was in the amendment to the C-7 district. Shaw said yes, they had to do that amendment, but they also had to go to the Board of Adjustment, because it is a separate zoning ordinance that is city-wide. Henry asked Shaw if the Commission has the ability to waive the 7-foot setback, or if that would have to be Council. Shaw stated it is in the Ordinance. Henry asked who could change it. Shaw explained that Council would have to change the Zoning Ordinance, which would change it for everything, so everything doesn't have that setback. Sloan asked if everything would change or just this part. Shaw said it would be everything that is zoned C-7. It wouldn't just be this property; it would affect all of the properties in Prairie Crossing.

Dunwoody asked how this has not come up before. Shaw stated they have mentioned this before. A schematic is one thing. The site plan lays out all of the details, utilities, landscaping, grading, architecture. Until this point, the Commission has not seen the final product of the architecture. They told you they were going to build their prototypical Honda white metal building. They asked the Commission to take action on it and take it to Council. Council told them to meet the requirements of the Development Plan. They did come back with that, which was in the report. They have made many design changes to the elevation of the building, for which Shaw applauded them. He explained that it has come a long way and he feels it the architecture is acceptable. The details of the site plan and landscaping weren't really talked about. Shaw said every time he brought it up, it was "landscaping on the perimeter." It was sold at the last Council meeting for the DCM amendment; they said they'd put all of the landscaping on the perimeter. The south lot line is the perimeter. Cannon said he disagreed and that it had not been discussed and reiterated their clear intentions in never showing landscaping there. He again stated that the 2-foot distance was specifically outlined. It wasn't conceptual. He stated they've done everything they can to be open and honest and transparent and again asked for the Commission's consideration on this. Henry asked Shaw if they could move preliminary and final and continue on with the site plan. Shaw stated the plats will affect the setback line unless they want to shift the whole parking lot, pad, and building to the north.

Dunwoody said his concern is they've talked about this project a lot and Council has approved it, it has momentum and they want this project to happen, but the Commission can't keep doing this—moving the goalposts or seeming to move the goalposts. He said he doesn't know if they are, but they've talked about it. They've seen all of this stuff. He asked how long they are going to do this before they can get the project moving. Shaw said this is the last little thing to meet regulations for Staff to recommend approval. Sloan said if they change it for this dealership, has Shaw ever seen it where other properties say they want to change their landscaping. Shaw said they have done amendments to landscaping after construction has started, depending on the site conditions or unique situations. Maybe it was too wet for the plants they picked out or if they have trouble getting what they planned on at the nursery due to stock issues. Sloan asked if they changed the C-7 for this particular property, could other properties also come back and say they want to change, too? Shaw explained the 7-foot setback is in the zoning district regulations. If they wanted zero, it will apply to all lots in C-7, including the outlet mall and Johnny's. They could take out all of their landscaping. They could pave from lot line to lot line. Sloan asked if he had seen this happen before. Shaw said he has seen a lot of projects that would love to go lot line to lot line and put their buildings closer than what setbacks would allow. Sloan asked if it was something that could change the C-7 back again when that property is sold. Shaw stated they could, but they would have created a situation where now they have a parking lot that they were allowed to pave clear to the lot line, and then changing the regulation, their parking is non-conforming. Sloan stated that the next property owner would have to pay for that, because their lot line has to be further back. Shaw explained that parking lots are dimensionally set out for drive aisles, parking stalls, and stuff. Once you've allowed it to be next to the property line, and then the regulations are changed, unless they've got lots of extra space, now things don't fit correctly. It becomes a hardship. If the parking lots someday have to be re-paved, they have to comply with the new setback regulation. Cannon stated that they aren't asking to pave to the

property line. They are asking to maintain 4 feet of separation from the property line. In the event that the property is sold, and something new goes into the south, and they maintain a 7-foot separation, that would be 11 feet of island in there. He said he didn't see how that would be a hardship from a maintenance standpoint or a construction standpoint. Pudenz said what she was hearing was that in order to approve it for this one, they would have to approve it for the other lot, too. Cannon stated that is not what they were asking. Pudenz said if they allowed this lot to have the 4-foot setback, Outlot X would have the same regulation of 4 feet. She asked if there was a way to only do the 4-foot setback on this property. Dunwoody asked if it were correct that they should be able to recommend the variance. As an advisory body, they should be able to recommend that this should have a variance and let the Council make that decision. Shaw said that he thinks the responsibility of the Commission is to report to the Council that it is or is not meeting the regulations, which it is not for a 7-foot setback. Your notes can say that you think it should be changed and they should look at it. He would not advise them to make a change for one property that is not consistent with the rest of the zoning classification of all the surrounding lots. That is actually illegal to do. You can't have spot regulations that say even though you are all zoned the same, this is a yes for you and it's a no for you. You can't pick and choose winners within in that zoning classification. They have to be treated the same. Cannon said they had a very similar conversation with the use as part of the C-7 amendment. They didn't want to allow dealerships across the whole C-7 district. They wanted to do it on just this property. Staff said they couldn't do that. They did a deed restriction to just that property having the use for a dealership. He didn't know if that was an option or not for this situation. They are not asking for the entire district. They are just trying to get this approved. Henry asked Shaw if he could make a motion subject to the applicant and Staff coming up with an agreement on the south lot line, or if he should add City Council. Shaw asked what the agreement would be. Henry stated he didn't know, as that would be up to Staff, them, and City Council. He wouldn't be approving or denying "as-is". He would be moving that Staff, City Council, and the applicant come to an agreement. Cannon said if the Board of Adjustment is an option, they are willing to do that. They just need to understand what the rules are. Shaw reiterated that there are overhead doors on the southern side of the building that are exposed to Hwy 65 and are seen, and the zoning regulation, the Development Plan, the DCM state that they need to be screened. Pudenz asked for clarification regarding screening if they face that road. Shaw stated screening is required if the doors are visible. In the zoning regulations for overhead doors, that is separate from the C-7, overhead doors cannot face the public streets. They got a variance for that. In the C-7, they talk about service doors having to be screened. They have made an amendment saying they can be on any of the sides, but the screening is still in there other than they said they don't have to be screened with walls. So the proposal was landscaping inside and outside of the parking lot. Staff is requesting a handful of trees on the south side, just like the north, west, and east sides to give it some visual break up to be consistent. Pudenz stated that what was difficult with this lot is looking to the future when the other lot is developed, the whole line of trees along Hwy 65 will create more screening than trees along the south lot line will do. Dunwoody said that per the DCM, screening isn't necessary on the south. It's not on a road. Shaw stated it is. Dunwoody said it is not facing anything. Shaw stated it is. Screening is still required; they just don't have to put in the walls. Shaw read from the DCM again: "No internal islands for vehicle display areas, no screen walls of the building and/or doors, and all required trees to be provided on the perimeter of the site." Pudenz said it didn't say it has to be on all sides of the perimeter. It just says trees need to be on the perimeter. Shaw reiterated "provided on the perimeter of the site." Pudenz stated she didn't read that as the whole perimeter and asked the Commission if they read it that way. Dunwoody said not necessarily. Cannon stated that maybe they should have been more prescriptive with the language, but they thought the intention was clear. Henry stated to the Commission members, that if they don't screen on the south side, the only people affected are the current or future owners that will know about it. Pudenz added that if they decide to put trees along there, they can. Shaw stated that the parking lot is required to have a 7-foot setback on the south side. He suggested that as a part of this, they will put a 10-foot setback easement on the north side of Outlot X and the 4 feet they are showing on this layout plus the 10 on outlot X give two parking lots the 14-foot setback distance from each other. Then there would be additional

space for landscaping that could provide the screen. The alternative would be that if it came back with a car dealership, then they could talk about something different, depending on if the building screens the overhead doors. The other building will itself have overhead doors, probably on all four sides of the building. Cannon stated they are not interested in an easement. If they sell the lot, the buyers will be subject to the setback. They will see the physical building that is there. Shaw stated that this lot is subject to the setbacks. Cannon stated he knew that, but they have been crystal clear all along about their intention and what they were providing.

Quick stated they need to make three votes, but the motion could probably be the same.

Motion by Dunwoody, seconded by Pudenz, for recommendation of a preliminary plat for Gurley Leep Honda Plat 1, subject to deficiencies 2, 3, and 4.

Votes: Yes – Dunwoody, Pudenz, Sloan, Henry. No – None. Abstain – None. Motion approved, 4-0-0.

3. Consideration and recommendation of a final plat for Gurley Leep Honda Plat 1.

Eric Cannon (Snyder & Associates) presented the request with no further comments.

Motion by Dunwoody, seconded by Pudenz, for recommendation of a final plat for Gurley Leep Honda Plat 1, subject to deficiencies 2, 3, and 4.

Votes: Yes – Dunwoody, Pudenz, Sloan, Henry. No – None. Abstain – None. Motion approved, 4-0-0.

4. Consideration and recommendation of a site plan for Gurley Leep Honda Plat 1.

Eric Cannon (Snyder & Associates) presented the request with no further comments.

Motion by Dunwoody, seconded by Pudenz, for recommendation of a site plan for Gurley Leep Honda Plat 1, subject to deficiencies 2, 3, and 4.

Votes: Yes – Dunwoody, Pudenz, Sloan, Henry. No – None. Abstain – None. Motion approved, 4-0-0.

5. Minutes of the November 30, 2021 meeting.

Motion by Pudenz, seconded by Henry, to approve the minutes.

Votes: Yes – Pudenz, Henry, Sloan, Dunwoody. No - None. Abstain – None. Motion approved, 4-0-0.

6. Old/New Business

Quick gave an update on residential and commercial permits. He said we'd be close to 500 residential units by the end of the year, which crushes the old record. We have over \$300,000,000 of commercial valuation, and we'll be pushing \$400 million total valuation. A lot of it is Facebook and warehouses.

Henry stated that this was Dunwoody's last meeting as a Commissioner, as he has been elected to City Council. He congratulated Dunwoody. Henry asked Shaw if there was a new Commissioner yet. Shaw stated no.

Motion by Henry, seconded by Pudenz, to adjourn.

Votes: Yes – Henry, Pudenz, Sloan, Dunwoody. No - None. Abstain – None. Motion approved, 4-0-0.

Meeting adjourned at 7:16 p.m. Next regular meeting is January 25, 2022.

Respectfully submitted,
Jennifer Naylor
Office Assistant