

**Planning Commission Hearing Minutes  
June 10, 2013**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Kate McConnell Bill Ryan		Gabrielle Dunn-Division Manager for Current Planning Zack Kershner-City Engineer Brandon Mark-City Planner Pam Reppert – City Planner Scott Waxter- Assistant City Attorney Lea Ortiz – Office Manager

**I. ANNOUNCEMENTS:**

Commissioner Nash announced this commission is down two members so a vice chairman would need to be voted on.

**MOTION:** Alderman Russell moved to nominate Commissioner McConnell as Vice Chairman.  
**SECOND:** Commissioner Nash.  
**VOTE:** 3-0.

**II. APPROVAL OF MINUTES:**

Approval of the **May 13, 2013** Pre-Planning Commission Hearing Minutes as published:

**MOTION:** Commissioner McConnell.  
**SECOND:** Alderman Russell.  
**VOTE:** 3-0.

Approval of the **May 20, 2013** Planning Commission Workshop Meeting Minutes as published:

**MOTION:** Commissioner McConnell.  
**SECOND:** Alderman Russell.  
**VOTE:** 3-0.

Approval of the **June 7, 2013** Pre-Planning Commission Hearing Meeting Minutes were continued to the July 8, 2013 Hearing

**MOTION:** No motion was taken

**III. PUBLIC HEARING-SWEARING IN:**

*“Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth.” If so, answer “I do”.*

**IV. PUBLIC HEARING-CONSENT ITEMS:**

(All matters included under the Consent Agenda are considered to be routine by the Planning Commission. They will be enacted by one motion in the form listed below, without separate discussion of each item, unless any person present – Planning Commissioner, Planning Staff or citizen -- requests an item or items to be removed from the Consent Agenda. Any item removed from the Consent Agenda will be considered separately at the end of the Consent Agenda. If you would like any of the items below considered separately, please say so when the Planning Commission Chairman announces the Consent Agenda.)

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**V. MISCELLANEOUS:**

**A. Planning Commission Rules of Procedures**

Mrs. Dunn stated that the Rules of Procedures will be looked at the Workshop and would be brought before the Commission in July.

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**B. Frederick Towne Mall Redevelopment Plans**

Mr. Davis entered the entire staff report into the record. There was public comment on this item.

Mr. Nicholas Bouquet of 1153 Daffodil Drive wanted to know what affect this Wal-Mart would have on the community. He asked why hasn't a development be more cohesive and unified for this development instead of having four disjointed properties in one parcel of land. He suggested perhaps having a recreational center on this property.

Mr. Michael Jones located at 1080 W. Patrick Street indicated that the Golden Miles does need something more vital than what is there now. He felt the developer has a usable plan for that area.

Mr. Gary Brooks of 600 Monarch Ridge Road stated he is in favor of having this development go forward.

Mr. Steven Holman indicated that a petition of imposing having a Wal-Mart in this area was made. He mentioned security would need to be in place by the Community Park. He would like to see a finalized plan instead of what is being proposed.

Mr. Edwin Bond located at 7212 Drought Spring Drive which he is concerned about the garden path because that area is extremely a high crime area.

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**MOTION:** No vote was taken. Comments from the Planning Commission will be given to the Mayor and Board of Alderman for review.

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**VI. OLD BUSINESS:**

**C. PC12-716MU, Master Plan, West Park Village**

Mr. Mark entered the entire staff report into the record. There was public comment on this item.

Mr. Jack Lillard stated they had worked with Parks and Recreation, Mayor and Board of Alderman and many others for a designated playground.

Mr. Hugh Warner of 5741 Elmer Derr Road explained the importance of this project going forward.

Mr. Seymour Stern of 20 Fairview Avenue is in favor of this project.

Commissioner Nash addressed Mr. Dean's letter whether the developer would give a contribution to the road improvements to Christopher's Crossing.

**Planning Commission Action Per Section 417(b):**

**MOTION:** Commissioner McConnell moved to recommend approval of a modification to Section 417(c) Table 417-1, *Uses, Densities/Intensities and Land Allocation*, as a redevelopment project under Section 417(b)(3) provided that the Applicant allocates 36% of the land to parks and open space, 6% to nonresidential land uses and 56% to residential uses and dedicate approximately seven acres of parkland to the City as a compensating feature as well as the Applicant adds a note to the plan in less than 60 days that requires subsequent site plans be submitted for the residential component of the master plan as well as the park, commercial infrastructure and frontage improvements adjacent to Alternate 40 and that the commercial pad sites infrastructure adjacent to Alternate 40 be completed prior to the first building permit being issued for phase two of the residential development.

**SECOND:** Alderman Russell.

**VOTE:** 3-0.

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**Planning Commission Action Per Section 417(c):**

**MOTION:** Commissioner McConnell moved to recommend approval of a modification to Section 417(c), *Design Standard*, Table 417-2, *Setback for principal Buildings – MU District*, to allow for the minimum street setback of 20' for detached dwellings to be reduced to a 5' minimum and the maximum street setback to allow for dwelling units that front onto open space and do not have direct street frontage to have a maximum setback of 35' as measured from the front line, as opposed to the provision of 35' from the street ROW.

**SECOND:** Alderman Russell.

**VOTE:** 3-0.

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**Planning Commission Action Per Section 606:**

**MOTION:** Commissioner McConnell moved to recommend approval of a modification to Section 606, *Lots and Blocks*, subsection (b)(2) to allow for lots to front open space pending garage access from the rear and emergency access and maintain the 40' minimum widths frontage widths for single detached dwellings and 15' minimum frontage width for attached/townhouse dwellings.

**SECOND:** Alderman Russell.

**VOTE:** 3-0.

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**Planning Commission Action Per the Phasing Schedule:**

**MOTION:** Commissioner McConnell moved to recommend approval for the phasing schedule to allow for the existing commercial space to be counted towards the minimum amount of nonresidential required for construction, allowing the residential construction without delay.

**SECOND:** Alderman Russell.

**VOTE:** 3-0.

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**Planning Commission Action:**

**MOTION:** Commissioner McConnell moved to recommend approval of West Park Village Master Plan PC-12-716MU subject to the following conditions:

To be met in less than one year:

1. The Applicant must record the City Agreement for mitigation through the School Construction Fee and label the recording reference on the master plan prior to unconditional approval.
2. The Applicant revise the master plan to show the following:
  - a. The relocation of Street A and B to achieve adequate sight distance.
  - b. A path from Open Space 6 to street A through Land Bay F.
  - c. The continuation of sidewalks adjacent to Street A and C.
  - d. Revise the legend to read 8'-11' asphalt path.

**SECOND:** Alderman Russell.

**VOTE:** 3-0.

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**VII. NEW BUSINESS:**

**D. PC12-193PSU, Preliminary Subdivision Plat, Market Square - Residential**

Mrs. Dunn read the entire staff report into the record for Jeff Love. There was public comment on this item.

Ms. Diane Smoley of 7930 Worman's Mill Road stated she is concerned about this plan being close to her bedroom and house. She is concerned about noise, pollution, traffic, the historic structures that are there and the big tree she thought was supposed to be protected. She is concerned about having the wood siding with no flashing around the windows.

**MOTION:** Commissioner McConnell moved to recommend conditional approval of PC13-056FSI with the following conditions to be met:

To be met within 60 days:

1. Update sheets 14 and 15 to correct the building restriction lines for Unit Type C.
2. Within one week from June 10, the roof and building known as the slave quarters will be made watertight.

**SECOND:** Alderman Russell.

**VOTE:** 3-0.

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**E. PC12-194FSI, Final Site Plan, Market Square - Residential**

Mrs. Dunn read the entire staff report into the record for Jeff Love. There was public comment on this item.

Ms. Diane Smoley of 7930 Worman's Mill Road stated that she isn't sure if anything can be done in regards to sidewalks on the upper end of Worman's Mill Road. She stated it would be nice if they were made to be public sidewalks. Ms. Smoley also stated that she has concerns of there being no shoulder on the road.

**Planning Commission Action on the Architectural:**

**MOTION:** Alderman Russell moved for approval of the architectural elevations based on compliance with the Class A building and urban design standards established in Section 604 as verified through the narrative and architectural elevations provided.

**SECOND:** Commissioner McConnell.

**VOTE:** 3-0.

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**Planning Commission Action for PC13-194FSI:**

**MOTION:** Alderman Russell moved to approve final site plan PC13-194FSI with the following conditions:

1. Update General Note 3 to include the 5' encroachment allowance for full covered porches.
2. Provide a note that states, "For Unit Types C&D, a minimum of one unit per townhouse stick of four or less units or a minimum of two units in sticks of five or more units will be designed to have a full covered porch or a similar architectural feature along the entire length of the unit frontage."

**SECOND:** Commissioner McConnell.

**VOTE:** 3-0.

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**F. PC12-835FSI, Final Site Plan, Riverside Corporate Park, Lot 206**

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action Per Section 607:**

**MOTION:** Commissioner McConnell moved to recommend approval of a modification to Section 607 entitled, *Parking and Loading Standards*, to provide 9' x 20' loading space(s) for Phase 2, based on sufficient truck size to serve the future uses.

**SECOND:** Alderman Russell.

**VOTE:** 3-0.

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**Planning Commission Action for PC12-835FSI:**

**MOTION:** Commissioner McConnell moved to approve the final site plan PC12-835FSI for Riverside Lot 206 with the following conditions to be met:

Less than 60 days:

1. Correct Note 28 to reference to uses permitted in MO and M1 zones, omitting M2, in compliance with MXE Section 418(b)(3).
2. Add to Note 29 that "therefore the project is exempt."
3. Add north arrow to lighting sheet.
4. Verify number of trees provided on site per Section 605(c) (5), correct if necessary, and correct typo of Section 605 on Landscaping Sheet.
5. Correct Note 15 to document original covenants for the property under Book 2669 and page 918.

6. On the elevations, label the parapet (top) of the buildings to be shown as using brick.

Greater than 60 days and less than one year:

1. Obtain FAA approval and Note #5 completed with approval date.
2. Execute a cross access easement agreement for Lots 204-207 and provide recorded references in note on plan.

**SECOND:** Alderman Russell.

**VOTE:** 3-0.

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**G. PC13-121FSI, Final Site Plan, Frederick Research Park Lot 7B**

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action Per Architectural Elevations:**

**MOTION:** Commissioner McConnell moved for approval of the architectural elevations to include red brick and prairie stone buff rockface as compatible with the adjacent buildings in the office park and as shown on Sheet C-4 of the Final Site Plan; in addition with a 3-0 vote each for a total of five (5) modifications as listed.

**SECOND:** Alderman Russell

**VOTE:** 3-0

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**Planning Commission Action Per Section 405(c) (2):**

**MOTION:** Commissioner McConnell moved for approval to Section 405(c) (2) to reduce the 100 feet Interstate setback to 80 feet, based on adequate screening of the parking.

**SECOND:** Alderman Russell

**VOTE:** 3-0

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**Planning Commission Action Per Section 607(h):**

**MOTION:** Commissioner McConnell moved for approval to Section 607(h) for the Loading Space Requirements to reduce the required loading space from 12' x 50' to 9'x20' to accommodate box trucks or vans that normally service office operations.

**SECOND:** Alderman Russell

**VOTE:** 3-0.

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**Planning Commission Action Per Section 607 Table 607-1:**

**MOTION:** Commissioner McConnell moved for approval to Section 607 Table 607-1 the Parking Schedule to exceed the maximum amount of parking permitted based on the compensating feature of providing 39 underground parking spaces and not increasing any impervious surface;

**SECOND:** Alderman Russell  
**VOTE:** 3-0.

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**Planning Commission Action Per Section 607 Table 607(d) (4):**

**MOTION:** Commissioner McConnell moved for approval Section 607(d)(4) requested to reduce the number of bike spaces from 25 to 14 on Lot 7A with the compensating feature being that the remaining 11 bicycle spaces are placed on Lot 8H

**SECOND:** Alderman Russell  
**VOTE:** 3-0.

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**Planning Commission Action Per Section 605(e):**

**MOTION:** Commissioner McConnell moved for approval to Section 605(e) for the requirement of Level I screening along Lots 7B and 8H common property line due to the fact that Lots 7B and 8H share an access drive on the property line.

**SECOND:** Alderman Russell  
**VOTE:** 3-0.

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**Planning Commission Action for 13-121FSI:**

**MOTION:** Commissioner McConnell moved to recommend approval of Final Site Plan PC13-121FSI for Frederick Research Park Lot7B, with the following condition to be met:  
Greater than 60 days and less than one year:

1. Provide striping plan and cost estimate to the Engineering Department for approval and add to Note 24 the calculation and the contribution amount for pro-rata share of frontage improvements on Thomas Johnson Drive.

**SECOND:** Alderman Russell.  
**VOTE:** 3-0.

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**H. PC13-119FSI, Final Site Plan, Homewood Phase II**

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

**Planning Commission Action on the Architectural Elevations:**

**MOTION:** Commissioner McConnell moved to approve the Architectural Elevations in compliance with Section 604(b) for Building and Urban Design Standards.

**SECOND:** Alderman Russell.  
**VOTE:** 3-0.

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**Planning Commission Action on the Reduced Setback:**

**MOTION:** Commissioner McConnell moved to approve the reduced setback at 66 dbA within the Highway Noise Impact Overlay district (HNO) based on compliance with Section

422(d)(4)(A) and with the condition that the Applicant provide updated supporting documentation verifying the setback location based on the Federal Highway Administration (FHWA) "Measurement of Highway Related Noise" report (May 1996).

**SECOND:** Alderman Russell.

**VOTE:** 3-0.

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**Planning Commission Action for PC13-119FSI:**

**MOTION:** Commissioner McConnell moved to approve Final Site Plan PC13-119FSI with the following conditions to be met:  
Within less than 60 days:

1. Add an archeological note stating that the Phases I and II assessment have been met and date of approval.
2. Resubmit revised TIS for final full APFO Roads approval. Complete Note #11 with date of approvals.
3. Revise Note #28 to read, Exempt from Section 423(a) of the LMC per Zoning Determination #13-258.
4. Parkland Sheet 34, correct reference to Phases II and III by deleting Phase III.
5. Sheet 5, Correct typo for three (3) elements to be met.
6. Add to Notes for Section 407 to address Trip Cap per Acre and % of stormwater volume treated by non-structural practices for compliance.
7. Landscaping buffer should be added to the north side of the stormwater management pond 2 as similar to the east side of the pond.
8. Add a split-rail fence with wire mesh shown around stormwater management pond 2 and add detail to the plan.

Greater than 60 days and less than one year:

1. The Applicant must receive approval from the Frederick Community Action Agency for an exemption to the MPDU program per Section 19-3 of the City Code and revise note #27 by providing the approval date from FCAA.
2. Provide recorded copy of development covenants to document the senior housing age restriction of 55 years.
3. The final subdivision plat for the consolidation of Parcels 320 and 328 must be recorded and the reference to that plat must be added to the final site plan as part of the history note #1.

**SECOND:** Alderman Russell.

**VOTE:** 3-0.

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**I. PC12-499MP, Master Plan, Spring Bank**

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

**MOTION:** No vote was taken because this is the first of two public hearings.

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There was no further business.



**Meeting adjourned at 11:00 p.m.**

Respectfully Submitted,

Lea M Ortiz  
Office Manager

APPROVED 07-08-2013