

**Planning Commission Hearing Minutes
August 12, 2013**

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

I. ANNOUNCEMENTS:

II. APPROVAL OF MINUTES:

Approval of the **June 7, 2013** Pre-Planning Commission Hearing Minutes as published:

MOTION: Commissioner McConnell.

SECOND: Alderman Russell.

VOTE: 3-0.

Approval of the **June 10, 2013** Planning Commission Meeting Minutes as published:

MOTION: Commissioner McConnell.

SECOND: Alderman Russell.

VOTE: 3-0.

Approval of the **June 17, 2013** Planning Commission Workshop Meeting Minutes as published:

MOTION: Commissioner McConnell.

SECOND: Alderman Russell.

VOTE: 3-0.

Approval of the **July 5, 2013** Pre-Planning Commission Hearing Minutes were tabled until the August 10, 2013 Planning Commission Hearing:

MOTION: Commissioner McConnell.

SECOND: Alderman Russell.

VOTE: 3-0.

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.)

V. OLD BUSINESS:

A. PC13-197FSI-Final Site Plan-Golden Mile Gateway

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

Planning Commission Action Per Section 605(e):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 605(e), Landscape Buffers and Berms, to eliminate the Level I screening along the west lot line based on the compensating architectural features proposed along the western façade and the future connection to the adjacent shopping center property as read into the record by staff.

SECOND: Alderman Russell.

VOTE: 3-0.

Planning Commission Action Per Section 607(h)(5):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 607(h)(5), Table 607-6, Loading Characteristics, to waive Level III screening of the convenience store loading space due to the interior location and size limitations of the site as read into the record by staff.

SECOND: Alderman Russell.

VOTE: 3-0.

Planning Commission Action Per Section 601(f):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 601(f), Table 601-2, Entrance Separation Standards, (as read into the record by staff) to modify for reduction of separation distances between access points based on the controlled accesses, right in/right out along Rte. 40 and the right in/right out on Baughman's Lane, as listed:

- 1) 116' from 400' required to 284' between other driveway and arterial, W. Patrick Street;
- 2) 38' from 200' required to 162' between other driveway and other driveway for shopping center off of Baughman's Lane;
- 3) 56' from 200' required to 144' between other driveway and other driveway;
- 4) 75' from 200' required to 125' between other driveway and other driveway;
- 5) 173' from 400' required to 227' between other driveway and arterial street, W Patrick Street.

SECOND: Alderman Russell.

VOTE: 3-0.

Planning Commission Action Per Section 607(g)(1)(A):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 607(g)(1)(A) Parking Area Setbacks, to modify the required parking lot setback for shopping centers from 25 feet to 19.4 feet from Rte. 40 and 25 feet to 15 feet from Baughman's Lane based on the provision of adequate landscaping in these areas as read into the record by staff.

SECOND: Alderman Russell.

VOTE: 3-0.

Planning Commission Action Architectural Elevations:

MOTION: Commissioner McConnell moved for the approval of the elevations for the convenience store with gas fueling stations and the retail building in compliance with Section 863 standards and procedures and Table 863-2 for design criteria, based on compatible retail store and WaWa architecture and improved consistency with the Golden Mile Small Area Plan guidelines.

SECOND: Alderman Russell.

VOTE: 3-0.

Planning Commission Action PC13-197FSI:

MOTION: Commissioner McConnell moved to approve final site plan PC13-197FSI with the following conditions to be met as read into the record by staff:

Within 60 days:

- 1) Add to note 15 that prior to improvement plan approval the fee-in-lieu of forest payment in the amount of \$5,096.40 shall be paid to the City of Frederick.
- 2) Document the optional elements in compliance on the elevation sheets for the retail building along with the listed mandatory elements.
- 3) Provide the canopy height at 18'2" as shown on the elevations in Note #6.
- 4) Show on Sheet 1 the pedestrian walkway continuing across the drive aisle in front of the retail building.
- 5) Denote on Sheet 4 and the elevation sheet the height of the brick piers and hedgerow or alternative materials used to delineate the frontage of the property.
- 6) On Sheet 4, remove the plants shown across the new sidewalk access from Rte. 40.
- 7) Add a note to the plan that the brick piers shall be at the minimum height of 3 feet and show them on the pump canopy elevations.
- 8) Add a note to the plan that the masonry of the monument signage shall match the WaWa masonry.
- 9) The Applicant will work with Planning staff to determinate an alternative decorative bollard design and color and that detail will be added to the plan.
- 10) The Applicant will work with planning staff to determine appropriate planters for the WaWa store and possibly the retail store and those details will be added to the plan.

Greater than 60 days and less than one year:

- 1) Execute and record the easement and temporary construction easement on the subject property which will allow for the connection to be made to the adjacent property owner to the west as shown on the plan.

SECOND: Alderman Russell.

VOTE: 3-0.

VI. NEW BUSINESS:

B. PC13-263FSU-Final Subdivision Plat-Homewood

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

Planning Commission Action:

MOTION: Commissioner McConnell moved to approved PC13-263FSU with the 3 conditions to be met that were read into the record by staff to be met within 60 days and the 1 condition to be met in greater than 60 days and less than 1 year.

SECOND: Alderman Russell.

VOTE: 3-0.

C. PC13-285FSI, Dairy Maid Dairy

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

Planning Commission Action Per 605 (g):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 605(g) for the required interior parking lot landscaping so as to reduce the required amount from 10% to 1,197 s.f. or 0% in order to avoid further reductions in the parking provided onsite as read into the record by staff.

SECOND: Commissioner Russell.

VOTE: 3-0.

Planning Commission Action Per 605 (f)(5):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 605(f)(5) for the reduction of street trees by three (3) along E 7th Street based on the City Arborist's field assessment and the waiver of street trees along North East Street based on the existing conditions as read into the record by staff.

SECOND: Commissioner Russell.

VOTE: 3-0.

Planning Commission Action Per 607, Offsite Parking:

MOTION: Commissioner McConnell moved for the approval of a modification to Section 607, Table 607-1 for off-site parking to provide 32 parking spaces, based on compliance with the criteria outlined in Section 607(d)(5) as read into the record by staff.

SECOND: Commissioner Russell.

VOTE: 3-0.

Planning Commission Action Per 607 (g)(2):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 607(g)(2) for the required 30' parking lot setback from residential district in order to provide a 8-foot setback with the compensating feature being the provision of the board-on-board fence and trees planted as screening as read into the record by staff.

SECOND: Commissioner Russell.

VOTE: 3-0.

Planning Commission Action Deferral:

MOTION: Commissioner McConnell recommended a positive recommendation for the “Deferral of Required Improvements” to the Mayor and Board of Aldermen to defer frontage improvements to the west side of East Street until such time Dairy Maid Dairy redevelops or the building along East Street is removed, contingent upon the monetary contribution of \$18,725 towards the Rails with Trails project.

SECOND: Commissioner Russell.

VOTE: 3-0.

Planning Commission Action PC13-285FSI:

MOTION: Commissioner McConnell moved to approve PC13-285FSI with the following conditions to be met as read into the record by staff:

Less than 60 days condition:

- 1) Document compliance with the off-site parking criteria according to Section 607(d)(5).
- 2) Update the status of all water and sewer lines across the Dairy Maid Dairy lots.
- 3) Correct Section 607(d)(5) and Section 607(g)(2) for requested modifications and update approval date and approved list as necessary. Correct modification request for Section 605(e) to remove reference to IST zone.
- 4) Add the following note: In lieu of Dairy Maid constructing a sidewalk along their frontage on East Street, the Applicant shall seek approval of a deferral agreement from the Mayor & Board with the condition that they contribute \$18,725 toward the Rails with Trails project along the east side of East Street. This contribution is considered compensating mitigation for frontage improvements that would otherwise be typically required for Site Plan approval. This deferral shall not waive any future frontage improvements obligations that may be required under future site plans. The \$18,725 contribution is based on 535 feet of 5-foot wide sidewalk at \$35/foot and shall be paid prior to building permit.

More than 60 days and less than one year:

- 5) Obtain Mayor and Board of Aldermen approval for deferral of East Street frontage improvements and execute and record the deferral agreement.

SECOND: Commissioner Russell.

VOTE: 3-0.

D. PC13-395FSI, 706 W. Patrick Street

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

Planning Commission Action Per Section 601:

MOTION: Commissioner McConnell moved for the approval of a modification to the vehicular access separation standards of Section 601, Table 601-2 given the narrowness of the lot and that the entrance currently exists.

SECOND: Commissioner Russell.

VOTE: 3-0.

Planning Commission Action Per Section 605:

MOTION: Commissioner McConnell moved for the approval of a modification to the Level I lot line buffer yard requirements of 605, Table 603-3 based on the utilization of the existing 6' privacy fence and shrubbery in lieu of providing additional plantings and with the buffer plantings being provided along the lot line adjacent to the adjoining property's accessory structure.

SECOND: Commissioner Russell.

VOTE: 3-0.

Planning Commission Action PC13-395FSI:

MOTION: Commissioner McConnell moved to approve PC13-395FSI with the following conditions to be met in less than 60 days as read into the record by staff:

- 1) Provide Level I buffer plantings along the lot line where the property abuts the adjoining property's accessory structure.
- 2) Correct the case # in the title block.
- 3) Correct the label for Norva Ave.
- 4) Label the square footage of the proposed addition.
- 5) Update Note 16 to list the individual APFO certificates and their dates of approval.
- 6) Update the landscaping plan to show the extents to where the Level I buffer has been modified and update the modification to note, "Modification requested for lot line screening".

SECOND: Commissioner Russell.

VOTE: 3-0.

E. PC12-790PND-Master Plan-Tuscarora Creek

Mr. Love read the entire staff report into the record. There was public comment on this item.

Roy Whitehouse of 7182 Meadowbrooke Drive asked the Planning Commission to carefully consider what is being described. He feels that the proposal, if approved, could cause real financial harm to Meadowbrooke homeowners.

Chuck Smith of 7180 Meadowbrooke Drive stated that they would like to see compatible development with Meadowbrooke and he has concerns for their property values.

Leslie Powell is here for several homeowners of Meadowbrooke, she stated that there are 3 points that are being addressed that she would the Planning Commission to consider 1) the application was defective when it was filed 2) the vague density descriptions that are being proposed 3) the design that it is currently understood by the residents does not comport with the criteria under the Land Management Code (LMC) or the 1986 code. She thinks it is important in this type of proceeding where the Planning Commission does have the flexibility of design, that they look at exactly what they are doing and where.

Ron Tilton of 7184 Meadowbrooke Drive distributed photos to the Planning Commission for the record. He asked the Planning Commission to take those pictures into consideration. He feels that they illustrate better to what the residents are concerned with.

Jamie Hendi of 7181 Meadowbrooke Drive stated that she has concerns regarding the impacts on the school and feels that portable classroom is not a good place for kids to be. She stated that if one child has to go to the restroom the entire classroom has to go which is loss of instructional time and feels that they are not great educational experiences.

Clifford Cool of 7170 Meadowbrooke Drive stated that he is concerned the developers proposed change jeopardizes the community's rights. He feels troubled by the developer's refusal to commit to a structure type that meets the APFO application. He feels compatibility is very important and should be that way with the surrounding Meadowbrooke area. He is asking the Planning Commission to deny the request.

John Flynn of 7194 Meadowbrooke Drive stated that the request of the applicant is really to provide convenience in terms of marketing which does not merit the revision of a master plan. He stated by allowing the flexibility to the applicant the neighbors are denied adequate information in a timely manner.

William Cochran of 7192 Meadowbrooke Drive stated that he is troubled by many things and would like the Planning Commission to deny the request.

This is the first of two required public hearings, so no vote was taken.

F. PC13-195PND-Master Plan-Keller Property

Mr. Love read the entire staff report into the record. There was public comment on this item.

Esther Eager of Yellow Springs Road stated that she has concerns of the density of this project and the amount of cars on her road. She is opposed for the density and traffic.

David Farmer of Yellow Springs Road stated that he would like to see that plat. He said Keller's have been excellent neighbors.

This is the first of two required public hearings, so no vote was taken.

G. PC13-215ANX-Annexation-Bowersox Property

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

Planning Commission Action:

MOTION: Commission McConnell moved for a positive recommendation to the Mayor & Board of Aldermen for consideration for incorporation into the Annexation Resolution of the Bowersox Property with the 4 terms that were read into the record by staff.

- 1) That the Applicant will contribute \$22,546 to the City to be used towards the half section improvements to Worman's Mill Road along the frontage of the property that this money be paid at the time of first building permit issuance.
- 2) That the Applicant contributes \$354.00 per dwelling unit towards the future water tank on Hayward Road.
- 3) That should the principle structure on the property, the home become vacant for a period of one year or more, that the Applicant initiates mothballing protection for the structure in accordance with the US Department of Interior's Preservation standards.
- 4) The Applicant will contribute \$2,825 per dwelling unit for a total of \$146,900 towards regional road improvements including the US 15/Monocacy Blvd. Interchange.

SECOND: Alderman Russell.

VOTE: 3-0.

H. PC13-492ZTA-Text Amendment-Section 809 Bed & Breakfasts/Tourist Homes

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

Planning Commission Action:

MOTION: Commissioner McConnell moved for a positive recommendation to the Mayor & Board of Aldermen for the proposed amendments to Section 809 Bed & Breakfast/Tourist Homes as presented in the draft ordinance with the change of the proposed language in Section 5 from "residential" character to "existing" character as staff mentioned and that the Mayor & Board receive feedback from the Historic Preservation Commission on the proposed amendment.

SECOND: Alderman Russell.

VOTE: 3-0.

I. PC13-493ZTA-Text Amendment-Section 864, Signage

Ms. Dunn read the entire staff report into the record. There was public comment on this item.

Brian Mack of 12736 Knoll Road in Mount Airy stated that City should be careful when crafting such ordinances and when it comes to billboards and their placement he thinks that it is a good idea that the Mayor & Board and Planning Commission to be behind it.

Planning Commission Action:

MOTION: Commissioner McConnell moved to continue the proposed amendments to Section 864, Signage Regulations, of the LMC to the September 9, 2013 Planning Commission Hearing.

SECOND: Alderman Russell.

VOTE: 3-0.

There was no further business.

Meeting adjourned at 10:35 p.m.

Respectfully Submitted,

Carreanne Eyler
Administrative Assistant

APPROVED 09-09-2013