

**Planning Commission Hearing Minutes  
January 13, 2014**

<b>PC MEMBERS</b>	<b>PC MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>
Meta Nash Alderman Russell Andrew Brown Bill Ryan	Kate McConnell	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:**

Ms. Dunn noted that the Planning Commission Workshop will be held on Tuesday, January 21, 2014 due to the holiday on Monday and City offices being closed.

**II. APPROVAL OF MINUTES:**

Approval of the **December 9, 2013** Planning Commission Hearing Minutes as published:

**MOTION:** Commissioner Ryan.

**SECOND:** Commissioner Brown.

**VOTE:** 4-0.

Approval of the **December 16, 2013** Planning Commission Workshop Meeting Minutes as published:

**MOTION:** Commissioner Ryan.

**SECOND:** Commissioner Brown.

**VOTE:** 4-0.

Approval of the **January 10, 2014** Pre-Planning Commission Meeting Minutes as published:

Approval of the January 10, 2014 minutes were tabled until the February 10, 2014 Planning Commission Hearing.

**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. PC13-278MU, Master Plan-Crumland**

Ms. Dunn noted that the Applicant had requested a continuance to the February hearing.

**MOTION:** Commissioner Ryan moved to continue Master Plan, PC13-278MU, Crumland Farm, to the February 10, 2014 Planning Commission Hearing.

**SECOND:** Commissioner Brown.

**VOTE:** 4-0.

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**VI. OLD BUSINESS:**

**B. PC12-791PSU, Preliminary Subdivision Plat-Tuscarora Creek**

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

Ms. Dunn did note that there was a letter submitted for the record from NAC #3 that referenced the Tuscarora Creek project indicating support for it.

**MOTION:** Commissioner Ryan moved to approve Preliminary Subdivision Plat, PC12-791PSU with the following conditions to be met in greater than 60 days and less than one year:

1. Provide City approved street and alley names on the plan where names have not been identified.
2. Replace ash trees on the planting schedule.
3. Provide AASHTO sight distance triangles at street/alley intersections and remove/relocate plantings within these areas as necessary.
4. Remove street tree plantings along the frontage of areas noted for future development including the Daycare Center.
5. Address outstanding County DUSWM comments.
6. Correct the rear building restriction lines for Lots 447-452 & 408-411.

**SECOND:** Alderman Russell.

**VOTE:** 4-0.

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**C. PC13-636PFCP, Preliminary Forest Conservation Plan-Tuscarora Creek**

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

**Planning Commission Action:**

**MOTION:** Commissioner Ryan moved to approve Preliminary Forest Conservation Plan, PC13-636PFCP, Tuscarora Creek, with one condition as read into the record by staff to be met in less than 60 days.

**SECOND:** Alderman Russell.

**VOTE:** 4-0.

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**D. PC13-540FSI, Final Site Plan-City of Frederick Waste Water Treatment Plant**

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

**Planning Commission Action for Section 605 (f):**

**MOTION:** Commissioner Ryan moved for the approval of the modification to Section 605(f) of the LMC to defer the street tree planting requirement along Monocacy Boulevard based on the future improvements that will be conducted by the City when Monocacy Blvd is completed.

**SECOND:** Alderman Russell.

**VOTE:** 4-0.

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

**MOTION:** Commissioner Ryan moved for the approval of the modification to Section 605(e) for the required Level I buffer along the property line abutting the City of Frederick Municipal Airport based on the conflicting goals and objectives of the Airport and the marginal visual benefit that the buffer would provide.

**SECOND:** Alderman Russell.

**VOTE:** 4-0.

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**Planning Commission Action of Architectural Elevations:**

**MOTION:** Commissioner Ryan moved for the approval of the architectural elevations as provided based on the compliance with the applicable standards of Section 604, *Building and Urban Design Standards*, for IST properties.

**SECOND:** Alderman Russell.

**VOTE:** 4-0.

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**Planning Commission Action PC13-540FSI:**

**MOTION:** Commissioner Ryan moved to approve Final Site Plan, PC13-540FSI, City of Frederick Waste Water Treatment Plant with the one condition to be met in less than 60 days as read into the record by staff.

**SECOND:** Alderman Russell.

**VOTE:** 4-0.

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**E. PC13-791FSCB, Combined Forest Stand Delineation/Preliminary Forest Conservation Plan-City of Frederick Waste Water Treatment Plant**

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

**Planning Commission Action:**

**MOTION:** Commissioner Ryan moved to approve Forest Stand Delineation/Preliminary Forest Conservation Plan, PC13-791FSCB for the Waste Water Treatment Plant with the two conditions to be met in less than 60 days as read into the record by staff.

**SECOND:** Alderman Russell.

**VOTE:** 4-0.

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**F. PC11-076FSU, Final Subdivision Plat-Sanner Lot 1 Fire Station**

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

**Planning Commission Action:**

**MOTION:** Commissioner Ryan moved to approve Final Subdivision Plat, PC11-076FSU, Sanner Lot 1 Fire Station with the two conditions to be met in greater than 60 days and less than one year as read into the record by staff.

**SECOND:** Alderman Russell.

**VOTE:** 4-0.

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**G. PC13-903PFCP, Preliminary Forest Conservation Plan-Sanner Farm**

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

**Planning Commission Action:**

**MOTION:** Commissioner Ryan moved to approve Preliminary Forest Conservation Plan, PC13-903PFC, Sanner Farm, with the seven conditions to be met in greater than 60 days and less than one year as read into the record by staff.

**SECOND:** Alderman Russell.

**VOTE:** 4-0.

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**H. PC12-366PSU, Preliminary Subdivision Plat-Frederick Trading Company Lots 1-4 (Walmart)**

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

There were letters submitted for the record from NAC #3, Mike Wiley of Piedmont Design Group, Lisa Boyle and the engineering department provided The City of Frederick recommendations letter that was sent to the Maryland State Highway Administration.

**Planning Commission Action for Section 606:**

**MOTION:** Commissioner Ryan moved for the approval of a modification to Section 606, *Lots and Blocks*, to establish Lots 1-3 which do not have frontage capable of providing direct access due to the need to deny access along the frontage of Monocacy Blvd. and Route 26 for safety reason and based on the provision of cross access easements that will allow access through the two points on Lot 4.

**SECOND:** Commissioner Brown.

**VOTE:** 4-0.

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**Planning Commission Action for APFO/CAPF-R:**

**MOTION:** Commissioner Ryan moved for the approval of the Adequate Public Facilities Ordinance, Certificate for Roads in accordance with Section 4-11 (b) (1) (D) as it pertains to the intersection of Monocacy Blvd and Route 26 based on the improvements shown on the concept plan and the adverse impacts on adjacent private properties that these improvements would cause and based on the applicant's provisions of other improvements which address the substandard level of service.

**SECOND:** Commissioner Brown.

**VOTE:** 4-0.

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**Planning Commission Action PC12-366PSU:**

**MOTION:** Commissioner Ryan moved to approve Preliminary Subdivision Plat, PC12-366PSU, Walmart, with the following conditions to be met within 60 days:

1. Delete notes 15 and 18 and Impervious Surface Ratio table which apply to a site plan.
2. Expand on Note 19 to include the temporary construction easements, 40' proposed shared access easement, 30' County sewer easement (if relocated), and 24' access easement agreements must be recorded and shown on final plat.
3. Revise note 2 on Sheet 3 to read: The 24' reservation of land, intended for a half section of standard road improvements, is to be dedicated at no cost to the City at such time SHA grants access to Route 26; otherwise the reservation area shall expire in 25 years. The 11' wide trail as provided in the reservation area shall be constructed by the Applicant and remain unless a public road is constructed in the future.
4. Correct Project Description to read: "*. . . building will be demolished and the existing two (2) lots to be consolidated as one lot and re-subdivided into four (4) lots*"
5. Sheet 3—
  - a. Clearly show the two (2) existing parcels with land hooks for consolidation prior to subdivision;
  - b. Label the Lot 3 rear setback of 6'.
  - c. Show two (2) proposed access points for Lot 4 with design curb cuts and provide entrance width dimensions.
  - d. Provide SHA easement recorded references.
  - e. Provide existing 40' common entrance easement recorded references.
6. Delete Sheet 4, unnecessary with Sheets 3, 5, and 6 clearly showing public improvements and dedication of right-of-way areas.
7. Sheets 5 and 6, label 6' wide planting panel between curb and path along Monocacy Blvd.
8. Sheet 7, delete sight distance "C" as unnecessary since it is a controlled light entrance.
9. Sheet 8, label acreage of forest conservation area.
10. Offsite Area tables should provide original land area minus the dedication area, which totals the remaining land.

11. Clearly identify on all sheets the City vs. SHA right-of-way to accurately determine to which jurisdiction the additional roadway widening and improvements are being dedicated.
12. Setbacks – Correct:
  - a. North – Lot 4 to provided 0;
  - b. South – Lots 2-4, provided 15’
  - c. East – Lots 1, 2, and 4, provided to 15’.
  - d. West – Lot 4, provided 0.
13. Add note to plan as follows: Any relocation of the County sewer easement will need to provide utility to the Wormald Company property to the north known as Monocacy Center and approved at the improvement plan stage by the City Engineering Department. The sewer easement shall be recorded prior to and shown on the final plat.

Greater than 60 days and less than one year:

1. Obtain the Combined FSD/Preliminary Forest Conservation Plan unconditional approval and complete Note #13 with date.
2. Address outstanding County comments and obtain their unconditional approval of plan, if applicable.
3. Address Engineering comments for plan for their review and approval, if applicable.

**SECOND:** Commissioner Brown.  
**VOTE:** 4-0.

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**I. PC12-364FSI, Final Site Plan-Walmart**

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

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

**MOTION:** Commissioner Ryan moved for the approval of a modification to Section 605(e) to eliminate the requirement to plant landscaping along the internal common lot lines between Lots 1-4 order to achieve a shopping center design.

**SECOND:** Commissioner Brown.  
**VOTE:** 4-0.

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**Planning Commission Action for Section 605(f):**

**MOTION:** Commissioner Ryan moved for the approval of a modification to Section 605(f) to waive the street tree requirement along Route 26 due to the inability to plant trees within State right-of-way and based on the compensating mitigation to plant trees at the edge of the southern property line.

**SECOND:** Commissioner Brown.  
**VOTE:** 4-0.

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**Planning Commission Action for Elevations:**

- MOTION:** Commissioner Ryan moved for the approval the Walmart elevations with one condition, that the detailed signage information on Sheet 24 be removed and that the signage be approved at the time of building permit application.
- SECOND:** Commissioner Brown.
- VOTE:** 4-0.
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**Planning Commission Actions for PC12-364FSI:**

- MOTION:** Commissioner Ryan move to approve Final Site Plan, PC12-364FSI based on the following conditions to be met within 60days:
1. Sheet 17:
    - a. Add note on the Lighting Plan as follows: *“Floodlights and spotlights must not be mounted more than 20 feet above ground and must be shaded to protect adjacent residential areas and the passing public from all avoidable glare. No lights must simulate or conflict with any traffic, police, safety, or emergency lights.”*
    - b. Show all floodlights or spotlights on the building or ground.
    - c. Note 3 should be changed to a total pole height less than 38’ and in accordance with engineering standard details.
  2. Edit Sheet 17A as follows:
    - a. Revise note to read: *“A formal site plan application for the Glade Valley Animal Hospital shall be submitted by Walmart under separate cover to the City for parking lot improvements. The site plan must be approved by the Planning Department or Planning Commission prior to Walmart receiving their first building permit and that the improvements are made along with the timing of the Monocacy Boulevard improvements. Monocacy Boulevard improvements must be completed prior to issuance of the first certificate of occupancy.”*
    - b. This is not an “improvement plan” approved for construction and should be relabeled the title “Concept Plan.”
  3. Edit plan note on Sheet 12A as follows: *... will reconstruct the entrance to the final design as shown on Sheet 4 within one year of improvements completed for Mill Pond Road or US 15 interchange, whichever is first.*
  4. Correct the number of bicycle spaces required and to be provided on site.
  5. Correct total square footage of building in all note references and provide accurate minimum and maximum parking required as shown on exhibit.
  6. Correct Note #20 to reflect the two modifications as requested.
  7. Cover Sheet 1-
    - a. Renumber the General Notes 21-23; and
    - b. Change plan title to Site Plan for Lot 4.
  8. Fill in the APFO certificate approval dates.
  9. Correct Parking table note to reference Note 20.
  10. Correct Setbacks table for Lot 1 East Setback to 15’.
  11. Sheet 4, provide recorded references for the 40’ existing common entrance easement with the Lee property.
  12. Label the 6’ tree panel on Sheets 4 and 9.
  13. On Sheets 7 and 14, clearly show and/or label the continuation of the proposed 30’ County sanitary sewer easement along the western property line in accordance with final location on final plat.
  14. Provide legend for Sheet 8 to identify the different dedication entities and amounts to City and/or State.

15. Sheet 9, show two different patterns for dedications areas 0.16 and 0.10 acres.
16. Sheet 10, sight distance A is only required since sight distance C is controlled by signal.
17. Sheet 12A, verify that this is the largest truck size that the temporary truck turn around must accommodate. Modify geometry to provide safe navigation and eliminate the truck running over the median. Edit turning template on Sheets 12A and 16 to show a truck plus a passenger car are capable of completing concurrent turns for all dual lanes.
18. Sheet 16:
  - a. Dedication of right-of-way is .57 acres and on Sheet 9, it totals to .69 acres. Please verify and correct to match.
  - b. Delete drawing for existing impervious area returned to pervious, irrelevant.
  - c. Label all green space/landscape areas with respective square footages.
19. Correct the elevations sheets according to modification conditions of approval.
20. Sheet E-2; provide concrete base detail E-3 or E-4 to be used for interior light poles.
21. Remove signage information on Sheet 24.
22. Revise Sheet 4 Note 4 to read: The 24' reservation of land, intended for a half section of standard road improvements, is to be dedicated at no cost to the City at such time SHA grants access to Route 26; otherwise the reservation area shall expire in 25 years. The 11' wide trail as provided in the reservation area shall be constructed by the Applicant and remain unless a public road is constructed in the future.

Greater than 60 days and less than one year:

1. Obtain the Combined FSD/Preliminary Forest Conservation Plan unconditional approval and complete Note #12 with date.
2. Record the final subdivision plat for Lots 1- 4 and provide the recording references for all easements on the site plan.
3. Address outstanding County comments and obtain their unconditional approval of plan.
4. Address Engineering comments for site plan and TIS as provided for their review and approval.
5. On Sheet 12A, show and label the temporary public access easement for the truck turnaround area. The public access easement shall be recorded and a copy sent by certified mail to the owners of CVS and AutoZone, with proof of mailing provided to the City.

**SECOND:** Commissioner Brown.

**VOTE:** 4-0.

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**J. PC12-365FSCB, Combined FSD/PFCP, Walmart**

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

**Planning Commission Action:**

**MOTION:** Commissioner Ryan moved to approve Forest Stand Delineation/Preliminary Forest Conservation Plan, PC12-365FSCB for Lots 1-4 based on the four conditions to be met that were read into the record by staff.

**SECOND:** Commission Brown.



**VOTE:** 4-0.

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There was no further business.

**Meeting adjourned at 8:28 p.m.**

Respectfully Submitted,

Carreanne Eyer  
Administrative Assistant

Approved 02-10-2014