

Planning Commission Hearing Minutes

January 11, 2010

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash		Joe Adkins, Deputy Director for Planning
Alderman Russell		Gabrielle Dunn, Division Manager of Current Planning
Billy Shreve		Jeff Love, City Planner
Josh Bokee		Pam Reppert, City Planner
Gary Brooks		Brandon Mark, City Planner
Steve Stoyke		Devon Hahn, City Traffic Engineer
		Carreanne Eyler, Administrative Assistant

•I. **ANNOUNCEMENTS:**

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Commissioner Nash welcomed Alderman Russell as the new member of the Planning Commission.

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II. **APPROVAL OF MINUTES:**

Approval of the **December 14, 2009** Planning Commission Minutes as amended:

MOTION: Commissioner Brooks.

SECOND: Commissioner Shreve.

VOTE: 4-1. (Commissioner Bokee abstained)

Approval of the **December 21, 2009** Workshop Minutes as amended:

MOTION: Commissioner Brooks.

SECOND: Commissioner Stoyke.

VOTE: 5-0. (Commissioner Bokee abstained)

Approval of the **January 8, 2010** Pre-Planning Commission Minutes as amended:

MOTION: Commissioner Bokee.

SECOND: Commissioner Brooks.

VOTE: 5-0. (Commissioner Nash abstained)

III. ELECTION OF OFFICERS:

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CHAIRMAN:

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MOTION: Commissioner Bokee nominated Commissioner Nash to continue as Chairman.

SECOND: Commissioner Brooks.

VOTE: 5-0.

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VICE CHAIRMAN:

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MOTION: Commissioner Brooks nominated Commissioner Bokee to be appointed as Vice Chairman.

SECOND: Commissioner Shreve.

VOTE: 5-0.

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SECRETARY:

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MOTION: Commissioner Shreve nominated Alderman Russell to be appointed as Secretary.

SECOND: Commissioner Brooks.

VOTE: 5-0.

IV. 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".

V. PUBLIC HEARING-CONSENT ITEMS:

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(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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•A. PC08-544FSU, Final Subdivision Plat, Humberson & Emerald Farm Consolidation

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PLANNING COMMISSION ACTION:

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MOTION: Commissioner Bokee motioned to approve.

SECOND: Commissioner Brooks.

VOTE: 5-0.

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•B. PC09-431FSU, Final Subdivision Plat, Clemson Corner Roadway Dedication

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PLANNING COMMISSION ACTION:

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MOTION: Commissioner Bokee motioned to approve.

SECOND: Commissioner Brooks.

VOTE: 5-0.

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VI. MISCELLANEOUS:

B2. PC07-757FSI, Final Site Plan, Union Mills

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INTRODUCTION OF CASE BY THE PLANNING STAFF:

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Ms. Dunn entered the entire staff report into the record. She stated that the Applicant is requesting a one year extension of the conditions of approval as assigned at the January 13, 2009 Planning Commission hearing.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommends approval of a one year extension to the condition assigned by the Planning Commission on January 13, 2009 which was to be met in greater than 60 days and within one year of the issuance date to January 13, 2011.

PLANNING COMMISSION QUESTIONING OF STAFF:

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Commissioner Shreve asked if the city has done what other jurisdictions have in given approvals for up to so many years so people do not have to come back.

Ms. Dunn stated that the Mayor and Board of Aldermen approved a 2 year tolling provision that took the lead from the state in approving certain development approvals. The issue with that was the 2 year extension was added to the normal approval date or the expiration date of the project and then reference back to the Land

Management Code (LMC). She added the expiration date of a site plan is based on the actual unconditional approval date, which this project had not gotten to so it was not eligible for that 2 year extension because it was not approved by the date established in our tolling legislation. Ms. Dunn stated that there are a select few of projects that did not meet that 2 year extension.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

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Chris Smariga, Harris & Smariga stated that he concurs with staff and added that the Union Mills site plans needs the parking on the Gilberts site plan in order to move forward. He also stated that some of the correspondence took as long as 6 months and we have still been waiting for answers. Mr. Smariga said there is an existing entrance off of East Patrick Street that is full access that is going to be closed and as the main building gets demolished there will be just an exit only from that side onto Patrick Street and the entrance will be up Wisner Street into the back of the parking lots.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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Commissioner Nash if there is any estimation when this will be resolved by SHA?

Mr. Smariga replied not at this point.

PUBLIC COMMENT:

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There was no public comment.

PETITIONER REBUTTAL:

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

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There was no discussion or questions for the staff from the Planning Commission.

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RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

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There were no restatement/revisions from the Planning Commission.

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PLANNING COMMISSION ACTION:

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MOTION: Commissioner Bokee the 1 year extension to January 13, 2011 for the conditions of approval as entered into the record by staff.

SECOND: Alderman Russell.

VOTE: 5-0.

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VII. NEW BUSINESS:

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•C. **PC09-485PCM, Fence Modification, MedImmune**

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INTRODUCTION OF CASE BY THE PLANNING STAFF:

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Ms. Reppert entered the entire staff report into the record. She stated that the applicant requests approval of a fence modification (Case #PC09-485MOD) from Section 821(c)(2) for a masonry/brick wall in the front yard of the existing MedImmune manufacturing facility in the industrial Center Park, located off of Solarex, Research and MedImmune Courts.

INITIAL PLANNING STAFF RECOMMENDATION:

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Staff recommends approval of a fence modification PC09-485MOD of 19 feet to permit a 27 feet high masonry wall in the front yard fronting MedImmune Court as part of the MedImmune facility, based on the justifications and documentation presented.

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PLANNING COMMISSION QUESTIONING OF STAFF:

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There was no questioning of the staff from the Planning Commission.

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PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

Mr. Aaron Vernon, MedImmune Inc. stated that due to high voltage equipment and bulk gases that from a safety and security stand point they felt they needed to protect from the street.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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There was no questioning of petitioner/applicant from the Planning Commission.

PUBLIC COMMENT:

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There was no public comment.

PETITIONER REBUTTAL:

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There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

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There was no discussion or questions for the staff from the Planning Commission.

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RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

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There were no restatement/revisions from the Planning Commission.

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PLANNING COMMISSION ACTION:

MOTION: Commissioner Bokee made a motion to recommend approval of fence modification PC09-485PCM of 13 feet to permit a 21 feet high masonry wall in the front yard fronting MedImmune Court as part of MedImmune facility, based on justifications and documentation presented and for the record per Section 821 (d) (2) states "The Applicant must provide modification materials in accordance with either Section 309 (m) for new developments or Section 1225 for existing structures"; and in support of that, per staff, the modification will not be contrary to the purpose intended code and the modification is consistent with the Comprehensive Plan. The application includes the compensating design or architectural features to meet the overall objectives of a particular requirement, and, in addition, the proposed wall complies with the site triangle revision as outlined in Section 611 (t); that the proposed wall is consistent with the scale and design of surrounding community; and that the proposed wall design does not adversely impact the use and enjoyment of other properties in the immediate vicinity, as the applicant justifies and staff supports each of those as presented tonight.

SECOND: Commissioner Brooks.

VOTE: 5-0.

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•D. PC09-341PSU, Preliminary Subdivision Plat, Clover Ridge

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INTRODUCTION OF CASE BY THE PLANNING STAFF:

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Mr. Love entered the entire staff report into the record. He stated that the Applicant is requesting approval for a revision to the previously approved preliminary subdivision plat for 391 residential lots.

The Applicant is also seeking a recommendation to the Mayor and Board of Aldermen to allow for afforestation plantings within dedicated city parkland.

INITIAL PLANNING STAFF RECOMMENDATION:

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Staff recommended the Planning Commission forward a positive recommendation to the Mayor and Board of Aldermen to allow afforestation plantings on parkland to be dedicated to the City.

Staff recommended preliminary subdivision plat approval of PC09-341PSU with the following conditions:

To be met in greater than 60 days and less than one year:

- 1. Receive approval from the Mayor and Board of Alderman to allow afforestation on parkland to be dedicated to the City and update note 23 to include the approval date.
- 2. Receive approval of street names for streets 'W' and 'V' and update the plan with the approved names.

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PLANNING COMMISSION QUESTIONING OF STAFF:

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There was no questioning of the staff from the Planning Commission.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

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Mr. Jeremy Holder, Ausherman Development stated that he concurs with the staff report.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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There was no questioning of petitioner/applicant from the planning commission.

PUBLIC COMMENT:

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There was no public comment.

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PETITIONER REBUTTAL:

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There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

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There was no discussion or questions for the staff from the Planning Commission.

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RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

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There were no restatement/revisions from the Planning Commission.

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PLANNING COMMISSION ACTION AFFORESTATION PLANTINGS ON PARKLAND TO BE DEDICATED TO THE CITY:

MOTION: Commissioner Bokee motioned to make a positive recommendation to the Mayor and Board of Aldermen to allow afforestation plantings on parkland to be dedicated to the city as presented in the testimony this evening by staff and also in concurrence with the Parks & Recreation Commission as they reviewed the application in November 2009.

SECOND: Commissioner Brooks.

VOTE: 5-0.

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PLANNING COMMISSION ACTION PC09-341PSU:

MOTION: Commissioner Bokee motioned to approve preliminary subdivision plat PC09-341PSU with the 2 conditions as read into the record by staff to be met in greater than 60 days and less than one year.

SECOND: Commissioner Shreve

VOTE: 5-0.

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•E. **Transit Friendly Design Guidelines**

INTRODUCTION OF CASE BY THE PLANNING STAFF:

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Mr. Davis entered the entire staff report into the record. He stated that the City and TransIT Services of Frederick County Staff will discuss the benefits of TFD in detail with the Planning Commission. At the conclusion of the presentation, staff will answer any questions, make any additions or deletions and ask the Commission to recommend to the Mayor and Board of Aldermen that the Guidelines be included in the Land Management Code.

INITIAL PLANNING STAFF RECOMMENDATION:

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Seek endorsement by the City of Frederick Planning Commission to adopt Transit Friendly Guidelines into the Land Management Code.

PLANNING COMMISSION QUESTIONING OF STAFF:

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There was no questioning of the staff from the Planning Commission.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

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Ms. Sherry Burford, Executive Director, Frederick County TransIT, stated that they are trying to encourage development that is going to occur in the current Transit service area or prospective area of transit service expansion to be designed in a way that public transit and the people who use it can conveniently access the services. She added that Transit Friendly Design really benefits the entire community by improving access to commercial and residential development and it increases transportation alternatives which reduces traffic and improves land use. Ms. stated that they would

like the Planning Commissions endorsement of this update to TFD and the adoption of the guidelines into the LMC.

Ms. Carrie Anderson-Watters of TransIT Services of Frederick County presented her case with a slideshow reviewing the Transit Friendly Design Guidelines. Her main topics of discussion were as follows:

- Challenges in our region face
 - o Sprawl development
 - o Traffic congestion
- Typical residential development;
- Typical retail/commercial development; t
- Typical office development;
- And bus queuing at the Frederick Towne Mall

Ms Watters stated that they encourage transit friendly design for residential, commercial and employment development that provides convenient access to transit for pedestrians and persons with disabilities. She also added that they would the use of the TFDG (throughout) to be used as a reference tool until as such time as the guidelines have been incorporated into development regulations.

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PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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Commissioner Bokee stated that it would be nice to see in the plan at some time the acknowledgment as we look towards redevelopment of major corridors of incorporating other mass transit besides bus and was wondering if it was ever discussed.

Ms. Watters stated that they would be in favor of any kind of additional mass transit or public transit but at this time we are trying to make up for lost time for things that had not been done in the past that they would like to see done in the future.

Ms. Burford stated that some of the things that are incorporated into this document include the size of the vehicles that we are currently operating today doesn't preclude any expansion of mass transit and this document could be updated to include that in the future. She added that they didn't define the transit service area or the transit services except when we list the specifications of our fleet, we are talking about what is currently in the fleet.

Commissioner Shreve asked what they would like this document to do if the Planning Commission would move it forward.

Ms. Watters replied that specific regulations that encourage the kind of elements that we include as guidelines could be incorporated into the LMC. She added that the guidelines do not include specific language that would translate into regulations but we review this as a first step in that direction.

Commissioner Shreve stated that he would not want to make new developing properties put in locker and shower facilities for bicycle riders.

Ms. Watters stated that when drafting these regulations they were thinking of eventualities and demand for the future and those are some of the type of regulations that are in other jurisdictions that are concerning bicycle accessibility.

Commissioner Shreve asked what jurisdictions regulate that we provide locker and shower facilities for bicyclist?

Commissioner Bokee stated that where he has seen this is in Montgomery County and they are utilizing transportation demand strategies as part of allowing the ability for density and development that the employer is able to show alternatives for getting to work.

Ms. Dunn stated that it is required in the Carroll Creek Overlay. She added not the shower facility that is beyond what is regulated but they do require bike lockers.

Commissioner Nash stated that the commission with the city staff would select which of the items to keep in the book as items that might be beneficial if they should happen versus those they would like to see codified.

Ms. Watters stated they would use the document as a guideline to move into the direction of creating some regulations that would encourage or require developers to consider different modes of transportation in their design.

Commissioner Shreve asked if this was a specific guideline document or is it a visionary document. Where do you see this going?

Ms. Watters replied that this particular document is just guidelines for how different modes of transportation could be incorporated into design. She added that they would ask the Planning Commission in the future to consider developing regulations based on information that is presented but we are not asking that these guidelines be translated into regulations.

Commissioner Brooks asked if they wanted this document to be added to the LMC.

Ms. Dunn stated that the LMC is only amended through the text amendment process and what they are asking is to use these guidelines as a framework from which to start thinking of adopting regulations.

Ms. Burford stated that for clarification this document is a tool these are not requirements that should be applied to every development that comes before you but it is a tool for developers and the Planning Commission to use when you are looking at something that is developing in the Transit services area.

PUBLIC COMMENT:

Mr. Joe Adkins, Deputy Director for Planning, stated that Transit is a routing agency so a lot of these ideas that planning gets or that are in this document comes from Transit during the normal routing of plans. So this is to move it forward and look to the LMC and try to update it and bring some of these guidelines to be more codified in it.

PETITIONER REBUTTAL:

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There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

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Commissioner Shreve stated that he does not support recommending the document as written; he likes the presentation but doesn't support it as written because it does have some things in it that he feels should not be in it.

Commissioner Brooks stated that it is a great tool to start with but doesn't know what the Planning Commission is to recommend.

Commissioner Shreve expressed that he would like to have more time to review the document and modify it.

Commissioner Bokee stated that he would be comfortable making a recommendation to the Mayor and Board of Aldermen that the Planning Commission is supportive of the 5 goals as outlined in the TFDG in March 2009 and support city staff to modify and use this as a resource to identify the specific actions of the LMC. He also stated that if the commission is not comfortable with what is presented then they should continue it for 30 days to review it more and iron out any questions or concerns they have.

Commissioner Nash stated that our current LMC left a place holder according to staff that this is something we would like to add and we don't have time to do it right now and currently there is a committee working on revisions and it makes sense than to start with a blank sheet of paper to say that the Comprehensive Plan states that we want to be cognizant of Transit issues and there is a place holder in the LMC that says we want to add something. This document would be a resource.

Mr. Adkins recommended that maybe if the Planning Commission adopted a resolution supporting TFD and have in it that the Planning Commission recommends to the Mayor and Board of Aldermen that they give direction to the LMC committee and have this as part of the work program then go from there.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

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There were no restatement/revisions from the Planning Commission.

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PLANNING COMMISSION ACTION:

MOTION: Commissioner Bokee made a motion to continue this discussion for 30 days and to have it come back to our next Planning Commission Hearing.

SECOND: Commissioner Brooks.

VOTE: 5-0.

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•F. **Community Indicators**

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INTRODUCTION OF CASE BY THE PLANNING STAFF:

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Mr. Adkins entered the entire staff report into the record. He stated the purpose is to introduce the Planning Commission to a potential new program that will help evaluate the City of Frederick on a variety of issues.

INITIAL PLANNING STAFF RECOMMENDATION:

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Staff is looking for a positive recommendation to the Mayor and Board of Aldermen.

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PLANNING COMMISSION QUESTIONING OF STAFF:

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Commissioner Bokee stated that this is a lot of potential data and there will be things that they find that do and don't work. He added that it would be interesting to see the

positive and negative trends. Commissioner Bokee questioned if some of this data feed back or how it will tie into other measures for instance the tree canopy. If this was on a website how you could take the feed back because you have the section of trees planted and be able to have a link that takes you to the Urban Tree Canopy report. He added that the Mayor and Board of Aldermen can look towards setting strategic goals that are measurable and provides a baseline for measurements that we are focusing on. Commissioner Bokee stated that it would be good if we could have a Comprehensive Community Survey done every 2 years and have that polling feed back to go with the indicators. Commissioner Bokee asked in regards to number 5 if there was any type of data that would also include the number of summer camps that is offered for kids through the Parks and Recreation Department. He stated Mr. had asked for help in regards to number 9; the bulk of it deals with community health and education. He feels this is a great start and really appreciates the hard work put forth into it.

Commissioner Brooks stated that on the first page it states "An indicator is something that helps a community understand where they are, which way they are going and how far they are from where they want to be. A good indicator can alert a community to potential issues. When a community as a whole can review primary data and calculated trends, better decisions can be made." He said it seems that we have taken that issues that don't really want to be discussed out of it or it has not been suggested. He feels that people really want to know what is going on in their neighborhood and it should be shown.

Mr. Adkins agreed and said that part of the issues is whether or not a good thing that we are serving more households that we can accommodate the ability to serve more households through the food bank system or is it a good thing that less people are being served through the food bank system because there is less demand on the system.

Commissioner Brooks asked that whether good or bad are we reacting to those types of things.

Commissioner Shreve stated that if you do it as a percentage of the population you develop trends so you don't do it as a raw number you do it as a percentage of populations and then you can see the trend forming.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

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City was the applicant, so no presentation was given.

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PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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Commissioner Bokee asked if there has been any discussion of setting what the benchmarks are for cities our size. This might be something we may want to look at as to how we compare on smaller set of categories.

Commissioner Shreve stated that he is not in favor of comparing the City of Frederick to others with this document. He added that he rather see it as these are the facts and see where it goes.

PUBLIC COMMENT:

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There was no public comment.

PETITIONER REBUTTAL:

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There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

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There was no discussion or questions for the staff from the Planning Commission.

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RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

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There were no restatement/revisions from the Planning Commission.

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PLANNING COMMISSION ACTION:

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MOTION: Commissioner Bokee made a recommendation to support the Planning Departments Community Indicators as presented and with the feedback as read into the record as part of the discussion tonight by the commission to recommend to the Mayor & Board of Aldermen.

SECOND: Commissioner Shreve.

VOTE: 5-0.

G. Small Area Planning

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INTRODUCTION OF CASE BY THE PLANNING STAFF:

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Mr. Adkins stated that this document is suppose to be the 101 document for Small area plans and the Mayor indicated staff to move forward with the Goldenmile Small Area Corridor Plan. He added that what this is starting the contract of what we providing not only to the Planning Commission and the Mayor and Board of Aldermen but to the citizens of the City of Frederick. Mr. Adkins stated that in the document it tells what a Small Area Plan is, why it is important, it has an outline of what should be included in the Small Area Plan, and then it gives you the different phases of how long it should take and what should be included with each phase of the Small Area Plan. Mr. Adkins stated that Mr. Nick Colonna will have a detailed outline of this that will give a better idea of what will be done. He stated that it is basically to start the process for the Goldenmile Corridor Plan. He would like any feedback from the Planning Commission to help facilitate the process along.

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INITIAL PLANNING STAFF RECOMMENDATION:

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Staff would like this to move forward with the process and recommend to the Mayor and Board of Aldermen.

PLANNING COMMISSION QUESTIONING OF STAFF:

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There was no questioning of the staff from the Planning Commission.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

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City was the applicant, no presentation was given.

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PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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There was no questioning of petitioner/applicant from the planning commission.

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PUBLIC COMMENT:

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There was no public comment.

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PETITIONER REBUTTAL:

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There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

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There was no discussion or questions for the staff from the Planning Commission.

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RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

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There were no restatement/revisions from the Planning Commission.

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PLANNING COMMISSION ACTION:

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No vote was taken.

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Commissioner Nash pointed out that Monday, January 18, 2010 is a holiday and the Planning Commission Workshop is scheduled for Tuesday, January 19, 2010.

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Meeting adjourned at 7:45 P.M.

Respectfully Submitted,

Carreanne Eyler

Administrative Assistant