

**Planning Commission Hearing Minutes
February 10, 2014**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Kate McConnell Andrew Brown Bill Ryan		Gabrielle Dunn-Division Manager for Current Planning Joe Adkins-Deputy Director for Planning Brandon Mark-City Planner Jeff Love-City Planner Pam Reppert-City Planner Jacqueline Marsh, City Planner Devon Hahn-City Traffic Engineer Zack Kershner-Director of Public Works Scott Waxter- Assistant City Attorney Carreanne Eyles-Administrative Assistant

I. ANNOUNCEMENTS:

Ms. Dunn noted that the Planning Commission Workshop will be held on Tuesday, February 18, 2014 due to the holiday on Monday and City offices being closed.

II. APPROVAL OF MINUTES:

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

MOTION: Commissioner McConnell.

SECOND: Commissioner Ryan.

VOTE: 5-0.

Approval of the **January 13, 2014** Planning Commission Meeting Minutes as published:

MOTION: Commissioner Ryan.

SECOND: Commissioner Brown.

VOTE: 4-0. (Commissioner McConnell abstained)

Approval of the **January 24, 2014** Planning Commission Workshop Meeting Minutes as published:

MOTION: Commissioner McConnell.

SECOND: Alderman Russell.

VOTE: 4-0. (Commissioner Brown abstained)

Approval of the **February 7, 2014** Pre-Planning Commission Meeting Minutes as published:

MOTION: Commissioner McConnell.

SECOND: Alderman Russell.

VOTE: 4-0. (Commissioner Ryan abstained)

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.)

~NONE~

V. MISCELLANEOUS:

Planning Commission Officer Elections

Election of Chairperson

MOTION: Commissioner McConnell nominated Meta Nash to continue as chairperson.
SECOND: Commissioner Ryan.
VOTE: 4-0.

Election of Vice Chairperson

MOTION: Commissioner Ryan nominated Kate McConnell to continue as vice chairperson.
SECOND: Commissioner Nash.
VOTE: 4-0.

Election of Secretary

MOTION: Commissioner Ryan nominated Alderman Russell to continue as secretary.
SECOND: Commissioner McConnell.
VOTE: 4-0.

The commission agreed to vote and place item A at the end of the agenda.

MOTION: Commissioner McConnell moved to move item A to the end of the agenda.
SECOND: Commissioner Brown.
VOTE: 5-0.

VI. NEW BUSINESS:

B. PC13-935PCM, Fence Modification, 200 E. 2nd Street-Visitation Academy

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

MOTION: Commissioner McConnell moved to approve modification PC13-935PCM for the construction of an 8' solid board fence as read into the record by staff.

SECOND: Commissioner Ryan.

VOTE: 5-0.

C. PC13-812FSI, Final Site Plan, Tuscarora Creek Section 5, Townhouses

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

Planning Commission Action:

MOTION: Commissioner McConnell moved to approve final site plan PC13-812FSI with the nine conditions to be met in greater than 60 days and less than one year as read into the record by staff.

SECOND: Commissioner Ryan.

VOTE: 5-0.

D. PC13-901FSI, Final Site Plan, Nicodemus Clubhouse

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

Planning Commission Action:

MOTION: Commissioner McConnell moved to approve final site plan PC13-901FSI for the Nicodemus Property Clubhouse with the nine conditions to be met in less than 60 days and the two conditions to be met in greater than 60 days and less than one year as read into the record by staff.

SECOND: Commissioner Ryan.

VOTE: 5-0.

E. PC13-899FSI, Final Site Plan, FMH Toll House Parking Lot

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

Planning Commission Action for Section 607(g) (2):

MOTION: Commissioner McConnell moved to approve a modification to Section 607(g)(2) for the required parking lot setback of 30' adjacent to a residential zoning district to allow for a setback of 20' based on the proposed buffer specifications being provided adjacent to the residential uses.

SECOND: Commissioner Ryan.

VOTE: 5-0.

Planning Commission Action for Section 605, Table 605-3:

MOTION: Commissioner McConnell moved to approve a modification to Section 605, Table 605-3 to the specification of the Level II buffer to supplement the required 6' tall wall or hedge with a 6' tall PVC fence based on the screening impact that the fencing provides and the supplemental plantings to provide an aesthetically compatible buffer against the adjacent residential use.

SECOND: Commissioner Ryan.

VOTE: 5-0.

Planning Commission Action PC13-899FSI:

MOTION: Commissioner McConnell moved to approve final site plan PC13-899FSI with the five conditions to be met in less than 60 days as read into the record by staff.

SECOND: Commissioner Ryan.

VOTE: 5-0.

F. PC13-897FSU, Final Subdivision Plat, Frederick Memorial Hospital, Inc. addition to Frederick Memorial Hospital, Inc.

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

Planning Commission Action:

MOTION: Commissioner Ryan moved for unconditional approval of final subdivision plat PC13-897FSU.

SECOND: Commissioner McConnell

VOTE: 5-0.

G. PC13-814FSI, Final Site Plan, Rose Hill Plaza

Mr. Mark 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 McConnell moved to approve a modification to Section 605(e), requiring a Level I landscape buffer along the northern property line due to the existing Potomac Edison easement that prohibits planting within the area and based on the overall increase in landscaping on the site.

SECOND: Commissioner Ryan.

VOTE: 5-0.

Planning Commission Action for Section 605(e):

MOTION: Commissioner McConnell moved to approve a modification to Section 605(e), requiring a Level II landscape buffer along the western and southern property line due to the proximity of the existing parking lot and drive aisle that will be utilized for the proposed improvements and based on the overall increase in landscaping on the site.

SECOND: Commissioner Ryan.

VOTE: 5-0.

Planning Commission Action for Section 607(h) (2):

MOTION: Commissioner McConnell moved to approve a modification to Section 607(h)(2) from the loading space requirements for the placement of a small (9'x20') loading space instead of the required large loading space (12'x50') to serve Building 2 based on the size of the proposed building and its unique delivery needs.

SECOND: Commissioner Ryan.

VOTE: 5-0.

Planning Commission Action for Section 607(g) (1) (a):

MOTION: Commissioner McConnell moved to approve a modification to Section 607(g)(1)(a) from the parking area setbacks of 10' from a street right-of-way line or vehicular easement line to 2.5' setback based on the acquisition of right-of-way associated with Opossumtown Road improvements and the resulting reduces separation between the property line and the existing parking lot and based on the compensating features of providing a buffer consisting of a shrub row of 20 Holly bushes and four street trees consisting of Sweet Gum and Linden tree.

SECOND: Commissioner Ryan.

VOTE: 5-0.

Planning Commission Action PC13-814FSI:

MOTION: Commissioner McConnell moved to approve final site plan PC13-814FSI for Rose Hill Plaza with the four conditions to be met within 60 days and the one condition to be met in greater than 60 days and less than one year.

SECOND: Commissioner Ryan.

VOTE: 5-0.

H. PC13-815FSCB, Combined FSD/PFCP, Rose Hill Plaza

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

Planning Commission Action:

MOTION: Commissioner Ryan moved for unconditional approval of combined forest stand delineation/preliminary forest conservation plan PC13-815FSCB and fee-in-lieu of afforestation in the amount of \$9,016.

SECOND: Commissioner McConnell.

VOTE: 5-0.

A. PC13-279MU, Master Plan, Crumland

During presentation by planning staff, the Planning Commission asked questions of various staff members and the representative of FCPS. Those witnesses were also asked "cross-examination" questions by the applicant's legal counsel and legal counsel for members of the public. Applicant's witnesses also testified and were asked "cross-examination" questions by the Planning Commission and legal counsel for members of the public.

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

Mr. Brown with the Law Firm of Knopf & Brown stated that he will be speaking on behalf of Friends of Frederick County. He noted that there are two reasons for opposition to this plan: the issue with the Comprehensive Plan and Sunday's Lane. He stated their concern is consistency with the Comprehensive Plan. The Maryland Department of Planning (MDP) recognized that the Crum 2 annexation would be inconsistent with the Municipal Growth Element (MDE) in the Comprehensive Plan. Tier 3 is for development after Tiers 1 and 2. He feels now is not the time for development on Tier 3 property.

Mr. Arem, also with the Law Firm of Knopf & Brown, stated that although there had been testimony in regards to the adequacy of the roads, at the time that the determinations from the Mayor & Board were made, that they were dealing with an entirely different project specifically for the Crum 1 annexation. The scope that was included and all the background data analysis provided for that scope was based on an area of land that was very geographically distant and separate from the area that is being dealt with now. He added that Sunday's Lane and US 15 will experience significant impact and will be operating at a failing level of service. The Phase I scoping excluding all of these intersections was done without the traffic study that we have currently. The traffic studies show this failing level of service, traffic flow on Sunday's Lane and see the impact that it will have. He stated that without any mitigation improvements considered for this intersection or for the area we are faced with a dire problem.

Richard Kopp, resident of Homewood, stated that he is a member Residential Safety & Security Committee. The main interest of the Committee is the safety and security of the residents. They don't oppose the plan but their primary concern is Willow Road traffic.

Planning Commission Action for Section 611:

MOTION: Commissioner McConnell moved for approval of a modification to Section 611, Table 611-1 and 611-2 to allow the reduction of the minimum horizontal centerline radius of local streets from 100' minimum to 50' minimum when tangents of intersections streets meet 90 degrees in order to support a gridded street pattern, which is a goal of the 2010 Comprehensive Plan.

SECOND: Commissioner Brown.

VOTE: 5-0.

Planning Commission Action for Section 417(c) (6):

MOTION: Commissioner McConnell moved for approval of a modification to Section 417(c) (6) to allow for parking between the principal building as it applies to the residential unit types depicted in Exhibits D and E of the application materials in order to allow design flexibility and a diversity of residential product types, a central goal of the Mixed Use Zoning Districts.

SECOND: Commissioner Brown.

VOTE: 5-0.

Planning Commission Action for Section 607(d) (3):

MOTION: Commissioner McConnell moved for approval of a modification to Section 607(d) (3) to allow for the reduction of on-site parking spaces by 0.5 spaces, as this modification will allow a compact development pattern that will result in the preservation of open space and forest conservation areas. Also, the parking spaces will be provided elsewhere on site.

SECOND: Commissioner Brown.

VOTE: 5-0.

Planning Commission Action for Section 417(c):

MOTION: Commissioner McConnell moved for approval of modifications to Section 417(c), Table 417-2 on the basis that the cumulative impact of granting the design modifications allows for a variety of housing products to be provided in the community, which is a central goal of the 2010 Comprehensive Plan.

- A modification to reduce the rear setback as it applies to accessory structures for single detached homes that are a nontraditional lot type from 20' to 6',
- A modification to reduce the front setback from 20' to 10' and
- A modification to reduce the minimum street frontage requirement of 15' to 0' when residential units front onto common areas or open spaces.

SECOND: Commissioner Brown.

VOTE: 5-0.

Planning Commission Action for Section 606:

MOTION: Commissioner McConnell moved for the approval of a modification to Section 606, Lots and Blocks, subsection (b) (2) to allow for lots to front on open space as opposed to a public street pending the provision of adequate access from the rear of the property and the continued evaluation at the time of preliminary and final site plan for adequate access for emergency equipment and city services. This modification will contribute to the variety of housing products to be provided in the community, which is a central goal of the 2010 Comprehensive Plan.

SECOND: Commissioner Brown.

VOTE: 5-0.

Planning Commission Action PC13-279MU:

MOTION: Commissioner McConnell moved to approve Master Plan PC13-279MU finding that 1) The proposed master plan promotes a compact, pedestrian friendly neighborhood incorporating a mixed use, residential, commercial, employment, recreational, civic, and cultural uses under one overall development proposal consistent with the goals of Section 417 of the Land Management Code regulating the Mixed Use-1 zoning district and the goals and policies 2010 Comprehensive Plan relating to and not inclusive of the land use, transportation, community character and design, municipal growth, economic development, fiscal element, housing, and recreational policies; 2) The master plan is in conformance with Sections 1102 and 1115 of the Land Management Code; and 3) The master plan, through phasing and mitigation commitments, will address impacts on public facilities as identified by APFO testing; and based on the staff report, staff testimony with the following conditions to be met in less than 30 days:

1. The applicant makes a payment of filing fees for 6 modification requests.
2. The applicant revises the master plan and applicable exhibits to indicate the lane widths are 16' where sections of the roadway are a single lane.

Greater than 60 days and within 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 must receive approval from the Mayor & Board of Aldermen and record the City Agreement to pay a fee in lieu of constructing Moderately Price Dwelling Units.
3. The applicant enters into a Development Rights and Responsibilities Agreement with the City of Frederick to address the timing of necessary improvements to mitigate the conditions of the provisional APFO certificates approvals.

SECOND: Commissioner Brown.

VOTE: 5-0.

There was no further business.

Meeting adjourned at 10:05 p.m.

Respectfully Submitted,

Carreanne Eyer
Administrative Assistant

APPROVED 03-10-2014