

Planning Commission Hearing

Minutes

February 22, 2010

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Josh Bokee Gary Brooks Steve Stoyke	Billy Shreve	Gabrielle Dunn, Division Manager of Current Planning Nick Colonna, Division Manager of Comprehensive Planning Jeff Love, City Planner Steve Barney, City Planner Zack Kershner, Deputy Director for Engineering Carreanne Eyler, Administrative Assistant

•I. **ANNOUNCEMENTS:**

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Ms. Dunn announced that Tim Davis, the City's Transportation planner, has extended an invitation to the 3rd Annual Central Maryland Transit Oriented Development Seminar. If anyone is interested please contact Ms. Dunn or Mr. Davis. The seminar is Thursday, March 11, 2010 from 7 p.m. to 9 p.m. in Baltimore.

Ms. Nash announced that Billy Shreve would not be attending the meeting because he is in Vancouver at the Olympics.

Ms Nash congratulated Mr. & Mrs. Joe Adkins on birth of their new son.

II. APPROVAL OF MINUTES:

Approval of the **January 11, 2010** Planning Commission Minutes as amended:

MOTION: Alderman Russell.

SECOND: Commissioner Bokee.

VOTE: 5-0.

Approval of the **January 19, 2010** Workshop Minutes as amended:

MOTION: Commissioner Bokee.

SECOND: Commissioner Brooks.

VOTE: 5-0.

There was no approval of the **February 5, 2010** Pre-Planning Commission Minutes due to the meeting being cancelled.

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".

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•IV. **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.)

VI. **NEW BUSINESS**

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A. **PC08-397ANX, Annexation, Clemson Property**

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 an amendment to Annexation Resolution 08-90 approved by the Mayor and Board of Aldermen on December 18, 2008 for the annexation of 43.3 acres located on the northwest corner of the intersection of MD 26 and Wormans Mill Road. The Amendment proposes to remove language requiring the Applicant to construct a new northbound right turn lane on Routzahn Way approaching MD 26.

INITIAL PLANNING STAFF RECOMMENDATION:

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Staff supports a positive recommendation from Planning Commission to the Mayor and Board of Aldermen for the proposed amendment to Annexation Resolution 08-90 in order to remove the roadway improvement itemized in Section 7(c)(v) which commits the Applicant to the construction of a new northbound right turn lane on Routzahn Way approaching MD 26 based on the conclusions of the approved TIS.

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. Bruce Dean, McEvoy & Dean, stated that this was one of the first annexations the City considered after an 8 year moratorium and there was a worksheet that was presented that showed a list of proffers and things that were going to happen. He added that somehow that list never changed as they went through Planning Commission Workshop, and the Mayor & Board of Aldermen Workshop and that list of proffers was included in the annexation resolution. Mr. Dean stated that they are not annexing the property again, there is one minor improvement that was listed in the annexation resolution that when the final Traffic Impact Study (TIS) was done that this improvement was not needed. He added that the City asked the applicant to request the amendment to clean up the resolution. He stated that they do have all of their approvals and ask the Planning Commission for their recommendation of approval.

Mr. Jim Castillo, Faison, stated that when they were doing the annexation resolution, they were really trying to come up with a list of benefits for the City and this specific one got on a list because at that time they thought it was going to be needed. He added

that by the time the TIS was completed, they had done an excessive amount of improvements that were not required under the annexation resolution.

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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Mr. Dave Severn, Severn, O'Connor & Kresslein stated that he represented Mr. Lee with the Lee Property which is 10 acres east of the site and also recently annexed. He stated that he is not objecting to anything that the applicant is proposing to the Planning Commission, but that if it in fact an established road improvement is no longer needed, then Mr. Severn would like to have it stated for the record that if his client had agreed to contribute towards that improvement it should be removed from their obligation as well at the same time.

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 motion to support staff's recommendation as written in the staff report to "remove the roadway improvement itemized in Section 7 (c) (v) which commits the applicant to the construction of a new northbound right turn lane on Routzahn Way approaching MD 26 based on the conclusions of the approved TIS and the testimony provided here this evening by the applicant as well as prior discussion here at the board and at workshop.

SECOND: Commissioner Stoyke.

VOTE: 4-0. (Commissioner Brooks recused himself from voting.)

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B. PC10-02ZTA, Text Amendment, Flexible Zoning Techniques

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 Planning Division is proposing amendments to the following sections of the Land Management Code (LMC): §410, "Planned Neighborhood Development," §411, "Traditional Neighborhood Development," §417, "Mixed Use Districts" and §803, "Accessory Uses and Structures." The primary purpose is to address the bulk and dimensional regulations for principal and accessory structures in communities developed through the above noted flexible zoning techniques.

This is the first of two required public hearings, and as such, no action by the Planning Commission is required at this time.

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INITIAL PLANNING STAFF RECOMMENDATION:

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As noted above, this is the first of two required public hearings and as such, no action is required at this time.

PLANNING COMMISSION QUESTIONING OF STAFF:

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Commissioner Nash asked about having a purpose statement like for the section on the Carroll Creek Overlay and how that had been valuable in previous cases.

Ms. Dunn stated that the purpose statement at the beginning of the Mixed Use section would remain but under each of the different design elements the purpose statement would be what is taken out and not the general Mixed Use Purpose statement.

Commissioner Bokee asked to give what the practical effect is of granting the Commission the authority to modify the 3 foot setback for accessory uses.

Ms. Dunn said that if you would go out to Wormans Mill you would see the design of the garages in that development and that would be ideally what this would be used for. She added that since it is in a PND or TND the Planning Commission has so much review authority over architectural and design that staff has little concern about negative consequences if you could have other compensating features.

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

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City was applicant so no presentation was given.

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:

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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This is the first of two hearing so no vote was taken.

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C. Golden Mile Small Area Planning

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INTRODUCTION OF CASE BY THE PLANNING STAFF:

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Mr. Colonna entered the entire staff report into the record. He stated that the presentation provided was to update the Planning Commission on the Small Area Planning Process.

INITIAL PLANNING STAFF RECOMMENDATION:

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Following review an endorsement by both the community and the Planning Commission, the plan will be forwarded to the Mayor & Board of Aldermen for approval. It is anticipated that the entire planning effort will be completed in the fall of 2011.

PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Bokee thanked Mr. Colonna for the work so far on this and stated that it is great to see the Small Area Planning Process moving forward from what was discussed at the Comprehensive Plan stage. He added that this is one of the most significant things that the City will undertake over the next 24 months in conjunction with work that is being done on the east side. Commissioner Bokee stated that he is aware that they would like to keep the stakeholders group small and manageable and feels that is smart but thinks along with that a lot of technical expertise, but it might be good to have an official representative from each of the bordering NACs.

Commissioner Stoyke asked if there was an open dialog with the current businesses in this area.

Mr. Colonna stated that not at this point they do not. Staff is in the process of indentifying the big property owners and that's why it has been broken up in 3 phases. He wants this to be very measured. There is going to be a lot of conflicts. He added they are putting a list together of whom everyone is and go meet with them through smaller meetings, through the NACs and any other appropriate venue.

Commissioner Brooks stated that the United Health Care building and Dutch's Daughter Restaurant had been left out as well as all the residential areas on the Golden Mile and questioned why those areas were excluded.

Mr. Colonna stated that at this point they wanted to stick to a rough draft of the commercial corridor and getting into the neighborhood aspect. Those areas mentioned are areas of consideration that we have to note and have a discussion.

Aldermen Russell stated that this is wonderful and she supports this. She cautioned against setting boundaries that are too ambitious and that there was a lot of consideration put into these boundaries and supports them.

Commissioner Nash stated that there were neighborhoods that were not mentioned like the College Park area which had previously been considered for the designation as a Historic District and although that was not broadly supported, it didn't mean that the community did not want anything. She would like to know if that area is planned for further discussion and how the areas would be prioritized.

Mr. Colonna stated that throughout the Comprehensive Plan it is noted that there is a need to plan for neighborhoods. He feels the important thing to do is to keep those and other areas up and keep adding onto the list and when there is a need of balancing.

Commissioner Nash asked if they would go to the Mayor & Board of Aldermen to prioritize.

Aldermen Russell commented that part of the prioritization will come as a natural segue after this starts to come together and expects it to be an open conversation as it moves along.

PUBLIC COMMENT:

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Mr. Dave Severn, Severn, O'Connor & Kresslein, spoke on behalf of the project that is currently being managed by DLC Management Corporation which has taken over the management of the Frederick Towne Mall. He stated that DLC Management is trying to secure tenants before bringing a plan before the Planning Commission. Mr. Severn said he is very pleased that Mr. Colonna and the Planning Commission have initiated this effort. He asked that the Fredericktowne Mall be added to the email list or dialog list to be included. He added that whatever vision is planned, that in order for it to be effective the stakeholders must be part of the plan.

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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This is an informational item for this hearing so no vote was taken.

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•D. 2009 Annual Report

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Ms. Dunn stated that this is just an informational item. The report highlights some of staff's achievements over the year in terms of trainings, certifications, staff members that have received LEED certifications, etc. She added that this also show some of the major accomplishments that the department has had as a whole. Ms. Dunn encouraged the Planning Commission to read through the 2009 Annual Report and stated that the department is very proud to be able to look at this and look back at some of our accomplishments.

Commissioner Bokee stated that it would be good to have an update on the East Frederick Rising (EFR).

Ms. Dunn stated that it is scheduled to be on the agenda for March.

Meeting adjourned at 7:15 P.M.

Respectfully Submitted,

Carreanne Eyler

Administrative Assistant