

**Planning Commission Hearing Minutes
May 12, 2014**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Kate McConnell Andrew Brown Barbara Nicklas Bill Ryan		Gabrielle Dunn-Division Manager for Current Planning Tim Davis, Transportation Planner Devon Hahn – Traffic Engineer Pam Reppert-City Planner Christina Martinkosky-HPC Planner Scott Waxter- Assistant City Attorney Lea Ortiz –Office Manager

I. ANNOUNCEMENTS:

Commissioner Nash announced that agenda item E. PC14-98ZMA, Zoning Map Amendment, Belle-Air Conley Farm Historic Preservation Overlay will be heard before item H. PC14-213ZMA, Zoning Map Amendment, 200 W All Saints Street.

II. APPROVAL OF MINUTES:

Approval of the **April 14, 2014** Pre-Planning Commission Meeting Minutes as published:

MOTION: Commissioner McConnell.
SECOND: Commissioner Brown.
VOTE: 4-0. (Commissioner Brown abstained)

Approval of the **April 21, 2014** Planning Commission Workshop Minutes as published:

MOTION: Commissioner McConnell moved for approval of the Workshop Minutes.
VOTE: 4-0 (Commissioner Brown abstained)

Approval of the **May 9, 2014** Pre-Planning Commission Meeting Minutes as published:

MOTION: Alderman Russell.
SECOND: Commissioner Nicklas.
VOTE: 3-0 (Commissioners Nash and McConnell 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.)

V. CONTINUANCES:

A. PC08-119ZMA, Zoning Map Amendment, 820 Motter Avenue

Planning Commission Action:

MOTION: Commissioner McConnell moved to continue the Zoning Map Amendment PC08-119ZMA to the June 9, 2014 Planning Commission Hearing.
SECOND: Commissioner Brown.
VOTE: 5-0.

B. PC14-62MU, Master Plan, Sharpe's Mixed Use Building

Planning Commission Action:

MOTION: Commissioner McConnell moved to continue PC14-62MU, Master Plan to the June 9, 2014 Planning Commission Hearing.
SECOND: Commissioner Nicklas.
VOTE: 5-0.

VI. MISCELLANEOUS:

C. PC14-146CPA, Comprehensive Plan Amendment, MD 26/Monocacy Blvd Interchange

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

This is the first of two required public hearings and as such, no action is necessary at this time and no recommendation has been made.

VII. OLD BUSINESS:

D. PC13-55FSU, Final Subdivision Plat, North Montevue Campus/Citizens Nursing Home

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

Public Comment:

Ms. Dunn stated the exhibits from Lisa Boyle were put into the record.

Mr. Flynn, 115 N. Market Street, explained that the court case has been scheduled for July 10, 2014. He asked the Planning Commission to consider Section 507 of the Land Management Code requirement in their decision process.

Ms. Krimm, 1587 Abbey Court, commented that Chapter 11, the Housing Element of the Comprehensive should be considered in the decision-making process.

Ms. Sperlich from Middletown commented that the covenants have been violated on this plan. She put a Uniform Discloser Statement into the record.

Ms. Powell, 310 East Church Street, felt there would be no adequate public facilities for future patients and that is a concern of hers.

Dr. Buhrmann stated he has information from Aurora and how the rules would change if this plan was approved. He was concerned about why the people that were on the waiting list are no longer on the list. He mentioned that filling in beds has been frozen and he did not know who is responsible.

Mr. Logan of Worman's Mill asked if this plan benefits the poor then it should go ahead and be approved and if it doesn't benefit the poor, then it should be denied.

Planning Commission Action:

MOTION: Commissioner McConnell moved for approval of Final Subdivision Plat PC13-55FSU based on the analysis provided in the April 8, 2013 staff report, the March 10, 2014 staff report and the April 17, 2014 Memorandum attached as exhibits, and in accordance with The City of Frederick Comprehensive Plan and all of the applicable standards of the Land Management Code and that the subdivision does meet the criteria in Section 507 as it is in conformance with the Comprehensive Plan, consistent with the Land Management Code, and provision of public improvements that are required in Section 507 based on the following conditions to be met in less than 60 days:

1. Revise the Owners Certification and Dedication to note any pending law suits regarding the property.
2. Add a note that refers to the 1828 deed that states that the property is for the benefit of the poor for Frederick County and to and for no other use purpose or intent whatsoever, in order to meet the requirement in Article 1110 Final Subdivision Plat which requires that all easements, right-of-ways, or other matters of record which affect the property subject to the plat are depicted on the plat.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

VIII. NEW BUSINESS:

F. PC14-117ZTA, Text Amendment, Section 404, Table 404-1, The Use Matrix, Permitted Uses in the M2 district within the CCO

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

Public Comment

Mr. McCutcheon is in support of this application.

Planning Commission Action:

MOTION: Commissioner McConnell moved for a resolution for a positive recommendation to the Mayor and Board of Aldermen from the Planning Commission for the amendments as proposed in PC14-117ZTA to Section 404, Table 404-1 M2 Zoning in the Carroll Creek Overlay.

SECOND: Commissioner Brown.

VOTE: 5-0.

G. PC14-263ZMA, Zoning Map Amendment, 501 W Patrick Street

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

Planning Commission Action:

This is the first of two required public hearings and as such, no action is necessary at this time and no recommendation has been made.

H. PC14-213ZMA, Zoning Map Amendment, 200 W All Saints Street

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

Public Comment:

Ms. Kramer, 191 W. All Saints, thought community action would be for women and children and it seems that single men could there. She said they get the overflow of homeless people who defecate, urinate in their trash cans and sell drugs and stand in their hallways so they cannot get out. She felt that if this opens at night that she will get the spill over from what is already a problem.

Planning Commission Action:

This is the first of two required public hearings and as such, no action is necessary at this time and no recommendation has been made.

E. PC14-98ZMA, Zoning Map Amendment, Belle-Air Conley Farm Historic Preservation Overlay

Ms. Martinkosky entered the entire staff report into the record. There was public comment on this item.

Public Comment:

Mr. White, property owner, said they purchased this 32 acre parcel in early April and thanked the Commission Members for the consideration regarding the individual discussion and decision on the stable/calf farm. He said this application started with the demolition review ordinance and in his opinion that level of standards is significantly higher than what is in the next application. He stated that his expert consultant and staff both agreed that this structure does not represent a type, period, or method of construction. At the field trip it was clearly visible that it was very hard to pin down the exact type of barn construction it is. He said this building was always a secondary building and was never a primary focal point of the various stages of operations of the property. He said this building was always supporting the main focal point of operations and never stood on own. He pointed out the criteria for designation and high standards that this barn would have to meet and urged the commission to review them carefully. He mentioned this building is located outsider edge of the complex. He did concur with the staff report.

Planning Commission Action:

MOTION: Commissioner McConnell moved to make a resolution in order to not apply a Historic Preservation Overlay (HPO) zone for the individual property as the resource does not possess the significance or historic integrity to individually meet the criteria for designation.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

I. **PC14-100ZMA, Zoning Map Amendment, Farm Complex at the Belle-Air Conley Farm Historic Preservation Overlay**

Ms. Martinkosky entered the entire staff report into the record. There was public comment on this item.

Public Comment:

Mr. White stated they are not the applicant under this application but their team has been actively involved in the research and understanding on the existing structure of this property. They attended numerous meetings, workshops, and hearings regarding the potential overlay on the individual structures and for the farm complex. From very early on in the process they have been in agreement in the overlay for the farm complex and they created their own recommended overlay that they felt is a win/win proposal for not only their property, but for the historical goal and the character of the City. They respectfully disagree with the Historical Preservation Commission in conclusion of just one out of the 15 structures that comprise the farm complex as proposed. Other than being an old farm building, the stable/calf farm does not add to the significance of the main farm complex. The conclusion of the stable/calf farm significantly impacts us for potential development of usable land. He asked the Commission as to what does this structure truly add to the character of the beautiful stone house that was built in 1800 or easily identifiable dairy farm complex along with the all-brick silo building that was built in the 20th century which is the true heart of the agricultural buildings. He said on their conceptual design, future generations would be able to visit, learn from, and enjoy a complex of 14 structures of the original 19 structures that they are voluntarily offering up for an inclusion in an overlay. These structures exhibit the agricultural history to not only this property, but of Frederick City and County. They respectfully request that the Planning Commission, as it is authorized to do, propose a modification

to the limits of the farm complex overlay by removing only the stable/calf farm as illustrated in the overlay exhibit provided here tonight.

Planning Commission Action:

MOTION: Commissioner Nicklas moved to make a resolution to the Mayor and Board of Alderman to place a Historic Preservation Overlay on 199 Baughman's Lane consistent with the drawing what is Exhibit B dated March 17, 2014 development plan.

SECOND: Alderman Russell.

VOTE: 5-0.

J. PC13-541MU, Master Plan, Monocacy Center

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

Planning Commission Action:

This is the first of two required public hearings and as such, no action is necessary at this time and no recommendation has been made.

There was no further business.

Meeting adjourned approximately at 11:00 p.m.

Respectfully Submitted,

Lea M. Ortiz
Office Manager