

**Planning Commission Hearing Minutes
July 14, 2014**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Kate McConnell Andrew Brown Barbara Nicklas Arlene Perkins		Gabrielle Dunn-Division Manager for Current Planning Devon Hahn – Traffic Engineer Brandon Mark-City Planner Jeff Love-City Planner Scott Waxter- Assistant City Attorney Lea Ortiz-Office Manager

I. ANNOUNCEMENTS:

Commissioner Nash welcomed Arlene Perkins the new alternate Planning Commission member.

II. APPROVAL OF MINUTES:

Approval of the **June 9, 2014** Planning Commission Meeting Minutes as published:

MOTION: Commissioner McConnell.
SECOND: Commissioner Nicklas.
VOTE: 4-0. (Alderman Russell abstained)

Approval of the **June 16, 2014** Planning Commission Workshop Minutes as published:

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

Approval of the **July 11, 2014** Pre-Planning Commission Meeting Minutes as published:

The minutes for the July 11, 2014 Pre-Planning Commission meeting were tabled until the August 11, 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.)

A. PC14-228FSU, Final Subdivision Plat, Value Place Hotel

Planning Commission Action:

DISCUSSION: Alderman Russell feels that this item, Value Place Hotel should be pulled as a consent agenda item and to be heard with the site plan item I.

MOTION: Alderman Russell motioned for this item to follow item I.

SECOND: Commissioner McConnell.

VOTE: 4-0.

B. PC14-218FSU, Final Subdivision Plat, Cannon Hill Loft

Planning Commission Action:

MOTION: Alderman Russell moved for approval of PC14-218FSU.

SECOND: Commissioner Nicklas.

VOTE: 4-0.

V. CONTINUANCES:

C. PC14-118FSI, Final Site Plan, Frederick Towne Center

D. PC14-119FSCB, Combined Forest Stand Delineation/Preliminary Forest Conservation Plan, Frederick Towne Center

MOTION: Commissioner McConnell moved to continue PC14-118FSI and PC14-119FSCB the final site plan and combined forest stand delineation/preliminary forest conservation plan for Frederick Towne Center for 30 days to the August 11, 2014 Planning Commission hearing.

SECOND: Alderman Russell.

VOTE: 5-0.

E. PC14-214MU, Master Plan, Bowersox Property

Planning Commission Action:

MOTION: Commissioner McConnell moved to continue PC14-214MU, Bowersox for 30 days to the August 11, 2014 Planning Commission hearing.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

VI. MISCELLANEOUS:

F. Planning Annual Report

Planning Commission Action:

MOTION: Commissioner Nicklas moved to approve the City of Frederick Planning Department Annual Report.

SECOND: Commissioner McConnell.

VOTE: 5-0.

VII. OLD BUSINESS:

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

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

MOTION: Commissioner McConnell moved to approve master plan PC13-541MU with the six conditions in less than 60 days and the 2 conditions in greater than 60 days and less than one year as read into the record by staff.

SECOND: Commissioner Nickols.

VOTE: 4-0.

H. PC14-062MU, Master Plan, Sharpe's Mixed Use Building

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

Corrine Bradac of 104 W. 9th Street stated 3 major concerns first being the visual disruption to the neighborhood this doesn't look like it fit and does not enhance the visual appearance of the neighborhood. She thinks the height of the building should be lowered, get rid of the commercial and make it entirely senior housing and make the exterior look more like row houses and townhouses. Corrine 2nd concern is water run off since the property slopes to the north. Her last concern is the she would like to see some type of permanent fencing for the privacy and security along the north boarder.

Ryan Trout, Chair of the Frederick County Affordable Housing Counsel stated they support the applicant and believe that this property will serve a great need for increased affordable housing for seniors in Frederick.

Chuck Gordon of 718 Motter Avenue stated that he concurred with most of what Corrine said and another concern is the character of the neighborhood being changed drastically by this building. He said although the current plan looks better than the previous one, it still will not fit in with the neighborhood. We have great concern for pedestrian and bicycle safety in the area.

Emily Gordon of 718 Motter Avenue feels the development proposed does not belong and concurs with Corrine Bradac. She has concerns for her property value as well as the safety of pedestrians.

Diana Beall of 808 N. Market Street concurred with the other speakers. She feels that lowering the height is better than what is proposed. She feels that there should not be any retail planned for that area. She has concerns about traffic and parking.

Planning Commission Action for Parkland Waiver:

MOTION: Commissioner McConnell made a motion for the Planning Commission to provide a resolution to the Mayor & Board to not support the waiver of parkland dedication requirement for Section 608 (f) (4) based on the inability of the applicant to demonstrate that there is adequate open space on the property reasonably functional to serve the needs of the population generated by the proposal.

SECOND: Commissioner Nicklas.

VOTE: 2-3. (Commissioner Nash, McConnell, Brown opposed)

Planning Commission Action for Parkland Waiver Section 608 (f) (4):

MOTION: Commissioner Brown made a recommendation to the Mayor & Board of Aldermen to support the waiver of parkland dedication requirement for Section 608 (f)(4) based on the inability of the applicant to demonstrate that there is adequate open space on the property reasonably functional to serve the needs of the population generated by the proposal.

SECOND: Commissioner McConnell.

VOTE: 4-1. (Commissioner Nicklas opposed)

Planning Commission Action Amendment:

MOTION: Commissioner McConnell moved for a positive recommendation to the Mayor & Board of Aldermen for the amendment to the conditions of rezoning under case PC08-119ZMA with the following conditions:

1. The Applicant shall work with the adjacent property owners to determine appropriate materials and structures to ensure screening and security of private properties.
2. The Applicant shall use a combination of hardscape, fencing, and landscaping along the Motter Avenue frontage to create a linear pedestrian experience.
3. The Applicant shall provide lighting fixtures that are compatible in height and style with the surrounding neighborhood.
4. That the mature growth of all landscaping be considered at the time of installation so that all plantings are fully contained within the subject property and do not encroach onto adjacent properties.
5. The Applicant shall provide four seating benches along Motter Avenue to provide full compliance with the pedestrian amenities component of Section 417.
6. That all facades of the building, including interior walls facing the meditation garden, have building massing, modulation, fenestration, roof types and materials that are compatible with the characteristics of the surrounding neighborhood and

that the architecture shall incorporate residential design features such as, but not limited to, balconies, bay windows, decorative ornamentation, planter boxes, etc. as approved through architectural elevations by the Planning Commission at the time of final site plan.

7. That masonry or brick shall be used in each building bay.
8. The Applicant shall evaluate the potential for ADA accessibility at the inter-parcel connection along the south property line.

SECOND: Commissioner Nicklas.

VOTE: 4-1. (Commissioner Brown opposed)

Planning Commission Action for PC14-062MU:

MOTION: Commissioner McConnell moved for a positive recommendation to the Mayor & Board of Aldermen for approval of the proposed master plan application PC14-062MU finding that the plan is consistent with Section 310, 417 and 115 of the LMC and the goals and objectives of the 2010 Comprehensive Plan.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

VIII. OLD BUSINESS:

I. PC14-224FSI, Final Site Plan, Value Place Hotel

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

Planning Commission Action:

MOTION: Alderman Russell moved to continue PC14-224FSI Value Place Hotel to the August 11, 2014 Planning Commission hearing.

SECOND: Commissioner Nicklas

VOTE: 5-0.

J. PC14-335FSI, Final Site Plan, Clubhouse at Overlook Manor

Ms. Dunn 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 PC14-335FSI for the Clubhouse at Overlook Manor with the four conditions to be met in less than 60 days and the one condition to be met in greater than 60 days and less than one year as read into the record by staff.

SECOND: Commissioner Nicklas

VOTE: 5-0.

K. PC14-124FSI, Final Site Plan, Spring Bank Lots 1-73

Planning Commission Action Per Section 604:

MOTION: Commissioner McConnell moved to approve the Yorktown II and Lafayette II models for the townhomes as noted meeting five elements each in compliance with Section 604, Building and Urban Design Standards, with a condition for the Yorktown II model that two type of garage are provided in each townhouse stick with optional garage door that has a window.

SECOND: Alderman Russell.

VOTE: 5-0.

Planning Commission Action Per Section 608:

MOTION: Commissioner McConnell moved for a positive recommendation to the Mayor & Board of Aldermen for the waiver of Section 608 of the LMC to eliminate the requirement for parkland dedication based on recommendation of the Recreation and Parks Commission and the following findings:

1. That the existing parkland facilities in the vicinity and the connections provided by this development to those facilities make the addition of new parkland on this property unnecessary.
2. That the 1.3 acres of open space on the site are reasonably functional to serve the development.
3. That the Comprehensive Plan does not dedicate the site as a future park.

SECOND: Commissioner Nicklas

VOTE: 5-0.

Planning Commission Action PC14-124FSI:

MOTION: Commissioner McConnell moved to approve PC14-124FSI with the following conditions:
To be met in less than 60 days:

1. Add a note to document the ARCH12-502 Phase II final report approval date.
2. On Sheet 3:
 - a. Provide mature tree symbol in lot details where applicable to placement of on lot tree.
 - b. Provide individual lot impervious surface ratio.

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

1. Obtain Mayor and Board approval of waiver for parkland requirement. Add approval date in Note 11.
2. Execute a public access easement agreement over the 1.3 acres of open space.
3. Outline the archeologically significant areas #1 and #2 on the plan

4. Provide a resource management plan to mitigate the proposed impacts on Area #1 & #2 for City approval within 60 days of receipt of plan and add approval date to Note 3.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

L. PC14-216FSI, Final Site Plan, Cannon Hill Loft

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

Planning Commission Action for Parkland Waiver:

MOTION: Commissioner McConnell moved to make a denial to the Mayor & Board of Aldermen for a waiver of the parkland requirements per Section 608(f)(4) but instead supports the payment in accordance with Section 608(f).

SECOND: Commissioner Nicklas.

VOTE: 3-2. (Commissioner Nash and Brown opposed)

Planning Commission Action Per Section 601(b):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 601(b) requiring all residential parking areas of 10 or more spaces to be served by an access drive designed with a loop, cul-de-sac, or other feature that eliminates dead-end drives considering the unique conditions of the site as well as supports the 2010 Comprehensive Plan goals of infill development.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action Per Section 601(f):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 601(f) for the access drive separation of 50' from the proposed entrance to the parking lot from the entrance of the parking lot for 45 East All Saints Street.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action Per Section 607(g)(1)(c):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 607(g)(1)(c) requiring parking lot within 3' of the public ROW in the downtown districts to provide curbing or wheel stops based on the compensating feature of the screen wall being provided along East All Saints Street.

SECOND: Commissioner Nicklas

VOTE: 5-0.

Planning Commission Action for PC14-216FSI:

MOTION: Commissioner McConnell moved to approve PC14-216FSI with the following conditions to be met:

To be met within 60 days:

1. If granted by the Planning Commission, the applicant pays fees for the modification requests and notes the date of approval of all modifications.
2. Eliminate two parking spaces by reducing the proposed number of spaces from 12 to 10 or demonstrate that each vehicle can exit the parking area in a forward motion by increasing drive aisle widths.

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

1. The request for a waiver of parkland dedication is forwarded to the Mayor & Board of Aldermen and if approved, a note to be added to the site plan indicating such and if the waiver is not granted that the applicant remit a payment totaling \$12,000 per Section 608(f).

SECOND: Commissioner Nicklas.

VOTE: 5-0.

M. PC14-219MU, Master Plan, West Park Village

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

John Terrill of 5984 Grove Hill Road stated that he would like a privacy fence built since his property borders the site and has concerns of pedestrian traffic. Mr. Terro also has concerns regarding light spillover, and how tall the townhomes would be as well as how far they will be from his property line.

Geri Krzywanos of 5986 Grove Hill Road stated that concurred with Mr. Terro and has major concerns of pedestrian traffic and would also like a privacy fence.

This is the first of two required public hearings so no recommendation is needed at this time.

N. PC14-265ZMA, Zoning Map Amendment, 7516 Hayward Road

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

This is the first of two required public hearings so no recommendation is needed at this time.

O. PC14-267ZMA, Zoning Map Amendment, Sanner Property

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

This is the first of two required public hearings so no recommendation is needed at this time.

P. PC14-269ZMA, Zoning Map Amendment, Hargett Farm

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

This is the first of two required public hearings so no recommendation is needed at this time.

There was no further business.

Meeting adjourned approximately at 11:00 p.m.

Respectfully Submitted,

Carreanne Eyer
Administrative Assistant

APPROVED 08-08-2014