

**Planning Commission Hearing Minutes  
September 8, 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 Jackie Marsh-City Planner Pam Reppert-City Planner Tim Davis-Transportation Planner Jenny Willoughby-Sustainability Manager Scott Waxter- Assistant City Attorney Carreanne Eyer-Administrative Assistant

**I. ANNOUNCEMENTS:**

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Approval of the **August 11, 2014** Planning Commission Meeting Minutes as published:

**MOTION:** Commissioner McConnell.

**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

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Approval of the **August 18, 2014** Planning Commission Workshop Minutes as published:

**MOTION:** Commissioner McConnell.

**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

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Approval of the **September 5, 2014** Pre-Planning Commission Meeting Minutes as published:

The September 5, 2014 minutes were tabled until the October 13, 2014 Planning Commission Hearing.

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**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:**

(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. PC14-538FSU, Final Subdivision Plat, 109 North Market Street LLC Addition to 105 N. Market Street LLC**

**B. PC14-591PCM, Fence Modification, 258 W. 5<sup>th</sup> Street**

**Planning Commission Action:**

**MOTION:** Commissioner McConnell moved for the approval of agenda items A & B.  
**SECOND:** Commissioner Nicklas.  
**VOTE:** 5-0.

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Commissioner Nash requested that Item C. PC14-671PCM, Fence Modification, 200 Upper College Terrace be pulled from the consent agenda to discuss adding a condition for some type of landscaping going east and west on 2<sup>nd</sup> Street between the sidewalk and fence.

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**C. PC14-671PCM, Fence Modification, 200 Upper College Terrace**

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

**Planning Commission Action:**

**MOTION:** Commissioner Nicklas moved for the approval PC14-671PCM, 200 Upper College Terrace with the amendment as read into the record by Chairman Nash.  
**DISCUSSION:** Commissioner McConnell noted that the amendment added is a compensating feature and the modification is in accordance with Section 309 (j) and Section 821 (d) as read into the staff report.  
**SECOND:** Commissioner McConnell.  
**VOTE:** 5-0.

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**V. CONTINUANCES:**

- D. PC14-639ZTA, Text Amendment, Section 607 Parking & Loading Standards**
- E. PC14-118FSI, Final Site Plan, Frederick Towne Center**
- F. PC14-119FSCB, Combined FSD/PFCP, Frederick Towne Center**
- G. PC14-527ZMA, Map Amendment, 731 N. Market Street**
- H. PC13-813FSU, Final Subdivision Plat, Lots 1A & 1B, Section I, East Street Industrial Park**
- I. PC14-056FSCB, Combined FSD/PFCP, Lots 1A & 1B, Section I, East Street Industrial Park**

**Planning Commission Action:**

**MOTION:** Commissioner McConnell moved to continue PC14-639ZTA, Section 607 Parking & Loading Standards, PC14-118FSI, Frederick Towne Center, PC14-119FSCB, Frederick Towne Center, PC14-527ZMA, 731 N. Market Street, PC13-813FSU, Lots 1A & 1B, Section I, East Street Industrial Park, PC14-056FSCB, Lots 1A & 1B, Section I, East Street Industrial Park for up to 30 days to the October 13, 2014 Planning Commission Hearing.  
**SECOND:** Commissioner Nicklas.  
**VOTE:** 5-0.

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**VI. MISCELLANEOUS:**

**J. Complete Streets Policy Recommendation**

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

**Planning Commission Action:**

**MOTION:** Commissioner McConnell moved for a positive recommendation to the Mayor & Board of Aldermen.  
**SECOND:** Commissioner Nicklas.  
**VOTE:** 5-0.

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**VII. OLD BUSINESS:**

**K. PC14-214MU, Master Plan, Bowersox Property**

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

**Planning Commission Action Private Parkland & Fee-in-lieu:**

**MOTION:** Commissioner McConnell moved to not support the request for a waiver of their 1.19 acre parkland requirement and instead passed 5-0 a recommendation to the Mayor and Board of Aldermen that the Applicant pay fee-in-lieu for the entire 1.19 acres of parkland in agreement with the Applicant as alternative to the unsupported waiver.  
**SECOND:** Commissioner Nicklas.  
**VOTE:** 5-0.

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

**MOTION:** Commissioner McConnell moved to approve the modification to Section 417(c) (6) for the location of parking in the front of principal buildings, to support front-loaded townhome designs for diversity within the neighborhood.  
**SECOND:** Commissioner Nicklas.  
**VOTE:** 5-0.

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**Planning Commission Action Section 417 Table 417-2:**

**MOTION:** Commissioner McConnell moved to approve the modification to Section 417, Table 417-2 to reduce the rear setback from 20' to 6' based on providing alley access and supporting density and diversity with thin the neighborhood.  
**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

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**Planning Commission Action Section 607, Table 607-1:**

**MOTION:** Commissioner McConnell moved to approve the modification to Section 607, Table 607-1, and Parking Schedule to reduce the minimum number of parking spaces for townhomes from 2 to 1.5 spaces per unit based on the availability of on-street parking.

**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

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**Planning Commission Action PC14-214MU:**

**MOTION:** Commissioner McConnell moved the master plan for Bowersox Property PC14-214MU with the 3 conditions to be met within less than 60 days and the 2 conditions 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.

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**L. PC14-336FSI, Final Site Plan, Frederick High School & West Frederick Middle School**

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

Terrence McPherson, managing member of Carroll Parkway LLC stated that he is in opposition of the site plan and said they were never contacted about this plan. They found out about it reading an article in the Frederick News Post. Carroll Parkway LLC distributed a survey of projects that were similar to Frederick High School. He said that Frederick High School is different than the other projects he surveyed because they all have access to 1-3 roads and FHS has access to 3 roads and wanting a 4<sup>th</sup> access. He stated that Grove Blvd. is a private road and there is not a maintenance agreement which is a relevant issue that should be addressed before moving forward. Mr. McPherson also stated that the proposed concrete bollards are not reasonable and feels gates would be better. He stated that another concern he has is the width of the access easement surrounding the connection from the High School to Grove Blvd. and that it branches out to protect the residents as it moves into our carport and feels that it was intended rather than what Mr. Severn said was a typo/mistake. He feels the entrance should be restricted to buses delivering and dropping off students and then closed after that point.

Paul Flynn of Powell and Flynn representing Carroll Parkway LLC stated that the weather related delays that may occur are irrelevant; that they would only need this entrance open an hour in the morning and in the afternoon. There has been no justification presented to keep it open all day. He feels that having open access from 6:30 a.m. to 5:00 p.m. is not a plan and signage will make matters worse. There is no standard sign to address this situation. He feels that it will be confusing and create a mess on their private drive way and for the residents. Mr. Flynn questioned how can limited access be enforced when you have an open gateway into a school all day. He concluded that good planning principles require that this plan be denied because the applicant is trying to make a private drive way into a throughway.

Jana Sheffer, Frederick High School PTSA president asked that the Planning Commission approve the site plan for Frederick High School. This school has needed renovation for quite some time. We understand all the concerns that have been brought forward but right now her concern is the safety of the students. She said the school was there to begin with, the school needs to be taken care of and adequate transportation needs need to be addressed for the school while taking into account the concerns of the community. She feels that the applicant has responded to a lot of what was addressed at the hearing in August as well as the workshop. She concluded by asking the Planning Commission to approve the site plan so the school can move forward with this valuable project.

**Planning Commission Action Architectural Elevations:**

**MOTION:** Commissioner McConnell moved to approve the architectural elevations for compliance with the Class C requirements of the Building & Urban Design Standards of Section 604.  
**SECOND:** Alderman Russell.  
**VOTE:** 5-0.

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**Planning Commission Action Section 607, Table 607-1:**

**MOTION:** Commissioner McConnell moved to approve a modification to Section 607, Table 607-1 to allow for 472 parking spaces which exceeds the maximum allowed with the compensating feature that the applicant provides 90 bicycle parking spaces to encourage alternative modes of transportation and the bicycle racks be an inverted U style and not serpentine.  
**SECOND:** Alderman Russell.  
**VOTE:** 5-0.

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**Planning Commission Action PC14-336FSI:**

**MOTION:** Commissioner McConnell moved to approved PC14-336FSI, Frederick High School with the following conditions to be met:

To be met in less than 60 days:

1. Update note 8 to indicate the APFO-SL was provisionally approved on July 25, 2014.
2. Update note 11 with the approval date of the combined forest stand delineation and preliminary forest conservation plan.
3. Indicate the date of the modification to Section 607 was approved by the Planning Commission.
4. Revise the landscape plan to comply with the Level II screening requirements adjacent to the proposed loading area.
5. The final site plan must be revised to show the driveway apron at the Grove Boulevard access point to be 60' rather than 80' as shown on the plan entered into the record at the hearing.
6. The final site plan must be revised to depict concrete bollards and a chain/cable system including a standard EMS lock box at the property line where the subject site connects to Grove Boulevard and a note must be added to the plan that indicates that the Grove

Boulevard access to the school will remain open for no more than one hour before and one hour after the start of the high school day and no more than one hour before and one hour after the end of the high school day on school days only. The appearance of the bollards are in keeping with the design of the school and consistent with the neighborhood character, and the Applicant provides a detail of the bollard design to be approved by staff as part of the site plan

7. The final site plan must be revised to depict signs on the school property at the Grove Boulevard access point that indicate "Bus Traffic Only".

**SECOND:** Alderman Russell.

**VOTE:** 5-0.

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**M. PC14-635ZTA, Text Amendment, Section 864, Sign Regulations**

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

**Planning Commission Action:**

**MOTION:** Commissioner McConnell for a positive recommendation of PC14-635ZTA to the Mayor & Board of Aldermen.

**SECOND:** Commissioner Nicklas.

**VOTE:** 5-0.

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There was no further business.

**Meeting adjourned approximately 8:20 p.m.**

Respectfully Submitted,

Carreanne Eyer  
Administrative Assistant