

**Planning Commission Hearing Minutes
October 13, 2014**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Andrew Brown Barbara Nicklas Arlene Perkins	Kate McConnell	Gabrielle Dunn-Division Manager for Current Planning Devon Hahn - Traffic Engineer Brandon Mark-City Planner Jackie Marsh-City Planner Pam Reppert-City Planner Matt Davis-Division Manager of Comprehensive Planning Scott Waxter- Assistant City Attorney Lea Ortiz-Office Manager

I. ANNOUNCEMENTS:

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

MOTION: Commissioner Nicklas.

SECOND: Commissioner Perkins

VOTE: 5-0.

Approval of the **September 8, 2014** Planning Commission Meeting Minutes as published:

MOTION: Commissioner Nicklas.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Approval of the **September 15, 2014** Planning Commission Workshop Minutes as published:

MOTION: Commissioner Nicklas.

SECOND: Commissioner Perkins.

VOTE: 5-0.

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

The October 10, 2014 minutes were tabled until the November 10, 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. PC14-724PCM, Fence Modification, 106 E. Commerce Street
- B. PC14-056FSCB, Combined FSD/PFCP, Lots 1A & 1B, Section I, East Street Industrial Park
- C. PC14-533FSI, Final Site Plan, St. Katharine's Church

Planning Commission Action:

MOTION: Commissioner Nicklas moved for the approval of agenda items A-C.
SECOND: Commissioner Perkins.
VOTE: 5-0.

V. **CONTINUANCES:**

Commissioner Brown recused himself from voting on agenda items D-F. He is the applicant.

- D. PC14-433FSI, Final Site Plan, Tract 2 Business Office/Outpatient Treatment & Tract 3 Group Home

Planning Commission Action:

MOTION: Commissioner Nicklas moved to continue PC14-433FSI.
SECOND: Commissioner Perkins.
VOTE: 4-0. (Commissioner Brown

- E. PC14-435FSCB, Combined FSD/PFCP, Tract 2 Business Office/Outpatient Treatment & Tract 3 Group Home

Planning Commission Action:

MOTION: Commissioner Nicklas moved to continue PC14-435FSCB.
SECOND: Commissioner Perkins.
VOTE: 4-0.

- F. PC14-434FSU, Final Subdivision Plat, Tract 1 & Tract 2

Planning Commission Action:

MOTION: Commissioner Nicklas moved to continue PC14-434FSU.
SECOND: Commissioner Perkins.
VOTE: 4-0.

VI. OLD BUSINESS:

G. PC14-527ZMA, Map Amendment, 731 N. Market Street

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

Terry Reimer of 811 N. Market Street stated that she is not against the shelter for woman and children but a better use for the Interfaith Housing Building and property would be to combine it and incorporate it with the other senior structures that will be on the back boundary.

Kathy Stoner of 708 N. Market Street stated that changing the zoning classification to Institutional Floating Zone would jeopardize the home values and the quality of life of every resident in close proximity of the 700 block of N. Market Street. If the Rescue Mission for some reason in the future would have to close the IST would still be in place leaving residents vulnerable to anything that falls under that category. She also has concerns about this place being a "hangout" and that there is no after school care for the children. She opposes changing the zoning to IST.

Lee Sharpe of 809 N. Market Street stated that they have a fear that if the zoning is changed that the value of their property will decrease. He also said the house is not big enough for what they intend to use it for and he opposes the zoning change.

Andy Stout of 717 N. Market Street stated that he feels that this will be much more than a shelter for women and children it will be a program for women to deal with their drug abuse problem and a family reunification center. He feels that that this could be disrupting to the neighborhood.

Mark Amberg of 738 N. Market Street stated that there are concerns of increase in the population and there will be no afterschool childcare. He also stated that there is no set plan to prevent this place from being a hangout for them and their guests. He stated that the vacant property at 520 N. Market is already zoned IST and that place would be a perfect site for something like this.

Tommy Skaggs of 238 Canfield Terrace stated that this would be independent living and you want the place to be welcoming and inviting but you don't want to be too comfortable where they don't want to move forward. He stated that the YMCA is ready to help with childcare if needed for the shelter. The Frederick Rescue Mission is committed to being good neighbors and committed to listening. Our goal is to help women and children get off the street.

Mary Ellen Mitchel of Interfaith Housing stated that the Rescue Mission is very committed to developing this program. They cannot get their funding until the zoning is approved and hope that the neighbors would understand. The property does include a playground and is very much a family neighborhood. They are in support of the zoning.

Katie Nash 207 Meadowdale Lane stated that she applauds the Mission for their bold plan. She feels that as a community we are not doing enough. There is the need for this and supports the request.

Jane Saks of 701 N. Market Street stated that she shares many of the concerns that the other speakers have mentioned. She added that if this is approved she feels that a condition should be placed to ensure that the use for this site won't change. She has concerns of childcare and affordable childcare is almost impossible to find she feels that isn't enough of a safeguard. She has concerns that the Mission won't

have enough equipped people to screen the families for those women who are going to be able to benefit from the programming and who will not require services of staff that the mission is not going to be able to provide them. There is clearly a need and cheers the Mission on but she is not convinced that this plan so far is adequate.

John Reimer of 811 N. Market Street stated that they should know the impact of the people coming in.

Planning Commission Action:

This is the first of two required public hearings, so no vote was taken.

VII. NEW BUSINESS:

H. PC14-638FSI, Final Site Plan, Northampton Manor

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

Planning Commission Action Section 821(c) (1):

MOTION: Commissioner Nicklas moved to approve a modification to Section 821(c) (1) to increase the interior fence from 8' to 12' in order to adequately screen and add the security for the equipment, based on additional tree plantings for screening and there being no adverse impact to adjacent property owners and the findings of A, B, C.
SECOND: Commissioner Perkins.
VOTE: 5-0.

Planning Commission Action PC14-638FSI:

MOTION: Commissioner Nicklas moved to approve the final site plan PC14-638FSI for Northampton Manor with the four conditions to be met in less than 60 days as read into the record by staff.
SECOND: Commissioner Perkins.
VOTE: 5-0.

I. PC14-522FSI, Final Site Plan, MedImmune

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

Planning Commission Action Section 605(d):

MOTION: Commissioner Nicklas moved for approval of a modification to Section 605(d) Screening, Table 605-1 under Level III screening to eliminate the requirement for a stockade fence or masonry wall based on existing and proposed tree plantings and buffer width as sufficient screening of the parking areas.

SECOND: Commissioner Perkins.
VOTE: 5-0.

Planning Commission Action PC14-522FSI:

MOTION: Commissioner Nicklas moved to approve PC14-522FSI MedImmune with the 10 conditions to be met in less than 60 days and the one to be met in greater than 60 days and less than one year as read into the record by staff.

SECOND: Commissioner Perkins.
VOTE: 5-0.

J. PC14-526FSCB, Combined FSD/PFCP, MedImmune

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

Planning Commission Action:

MOTION: Commissioner Nicklas moved to approve PC14-526FSCB for MedImmune with the one condition to be met in less than 60 days.

SECOND: Commissioner Perkins.
VOTE: 5-0.

K. PC13-813FSU, Final Subdivision Plat, Lots 1A & 1B, Section I, East Street Industrial Park

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

Planning Commission Action deferral of installation of water/sewer infrastructure:

MOTION: Commissioner Nicklas moved for a positive recommendation to the Mayor & Board of Aldermen for the deferral of the installation of water and sewer infrastructure to Lot 1B on the basis that the applicant will record an easement through the lot to the north, identified on the subdivision plat as T.414 P.1174C, also owned by Dairy Maid Dairy, LLC for the future installation of water and sewer utilities to Lot 1B when developed.

SECOND: Commissioner Perkins.
VOTE: 5-0.

Planning Commission Action deferral of road frontage:

MOTION: Commissioner Nicklas moved for a positive recommendation to the Mayor & Board of Aldermen for the deferral of the necessary road frontage improvements on the basis that the applicant will provide a financial contribution in the amount of \$79,875 towards the construction of the Rails with Trails improvements.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action Section 606(b) (2):

MOTION: Commissioner Nicklas moved to approve a modification to Section 606(b) (2), Lot and Block Design Principles, to allow the creation of a lot, Lot 1B, that does not front on public street based on the recommendations of the Engineering Department and the City's Fire Protection Engineer finding that easements will be provided for the physical access of vehicles, utilities and for public safety equipment to Lot 1B.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action PC13-813FSU:

MOTION: Commissioner Nicklas moved to approve PC13-813FSU with the six conditions to be met as read into the record by staff.

SECOND: Commissioner Perkins.

VOTE: 5-0.

L. PC14-220PSU, Preliminary Subdivision Plan, West Park Village

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

Hugh Warner of the VFW stated that they need the subdivision to go through because they just got a tax bill for over \$60,000 which means that they will not be able to help the veterans next year so the subdivision needs to get approved as quickly as possible to retain their tax exempt status. He added that the VFW does not object to any of the building and in favor of the project.

Planning Commission Action Section 605(f):

MOTION: Commissioner Nicklas moved for the approval of a modification to Section 605(f), Street Tree Landscaping Requirements, based on the applicant providing an access and maintenance easement for the street trees planted on private property.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action Section 1113:

MOTION: Commissioner Nicklas moved for the approval of a modification to Section 1113, Landscape Plan, to allow flexibility with the development of neo-traditional, rear loaded, townhouse units.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action Section 611(e) (2):

MOTION: Commissioner Nicklas moved for the approval of a modification to Section 611(e)(2), Geometric Design Standards, to allow flexibility to design local roads with two, 12' travel lanes and no parallel parking in areas where it is not feasible based on the ability for the streets to operate at increased operational level and promote safe maneuvering.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action Section 605(c):

MOTION: Commissioner Nicklas moved for the approval of a modification to Section 605(c), the Property Landscape Requirements, based on the applicant's environmentally sensitive design and the preservation of 29 healthy specimen trees.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action deferral of road frontage:

MOTION: Commissioner Nicklas moved for to support a recommendation of a deferral of the required road frontage improvements along Alternate 40 until such time as the pedestrian bridge connection across Rock Creek can be made to the properties to the east subject to the applicant remitting to the City a payment equal to that of the required improvements.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action PC14-220PSU:

MOTION: Commissioner Nicklas moved to approve PC14-220PSU with the nine conditions to be met in less than 60 days and the one condition to be met in greater than 60 days as read into the record by staff.

SECOND: Commissioner Perkins.

VOTE: 5-0.

M. PC14-221PFCP, Preliminary Forest Conservation Plan, West Park Village

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

Planning Commission Action Section 721(d) (2) (c):

MOTION: Commissioner Nicklas moved for the approval of a modification to Section 721(d)(2)(c) to remove the 23 specimen trees enumerated on the plan and in the applicants modification request, finding that all of the criteria under Section 721(b)(3) have been met by the applicant.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action PC14-221PFCP:

MOTION: Commissioner Nicklas moved to approve PC14-221PFCP as read into the record by staff.

SECOND: Commissioner Perkins.

VOTE: 5-0.

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

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

Karen Young, former Alderwoman stated that General Commercial (GC) zone with conditions allows more specificity about complying with the Golden Mile Small Area Plan (GMSAP) than Mixed Use (MU) zoning would. She stated that one of the most disappointing aspects is that the Aldermen could not condition the use of the property as part of the rezoning and what would make this very innovative if not transformational was the existence of a community center. She added that she recently learned that it will not happen for a variety of reasons and unfortunately, no one has stepped up to take the lead on this. She would like this to be reconsidered as it is the right thing to do and feels it is very much needed. She added that she recently learned that it will not happen for a variety of reasons and unfortunately, no one has stepped up to take the lead on this. She would like this to be reconsidered as it is the right thing to do and feels it is very much needed.

Gary Brooks stated that this project is ready to move forward. He feels that the developer has done more than what was asked to develop this site. He feels this project should not be held up due to people wanting a community center. He supports the project.

Steve Holman resident along Route 40 stated that he was under the impression there would be a community center and a community garden and now there isn't. He stated that the final site plan in its current form does not comply with the small area plan for revitalization and represents a string of broken promises for the community from the property owners. He feels that the public trust has been deceived. He opposes the plan.

Katie Nash of 207 Meadowdale Lane stated that residents are disappointed and angry that the investment of a community center is now off the table. She added that she was excited to see the concept of community gardens move forward and now taken off the table for a butterfly garden. She asked the Commission that it be reconsidered. She reached out to Mike Dickson from Seed of Life

Nursery for guidance and read an email from him into the record supporting a community garden as a part of the project.

Belinda Morton, 1037 Linfield Drive, stated that when the plan was brought forth to the NAC there was not a large final site plan to see and that residents had asked about the traffic study which had not been completed. She questions how the residents have a "say so" and are able to review, comment and make suggestions on how this occurs when we are really not informed.

Joe Parsley of 2012 Cobblestone Way stated that Route 40 has waited so long to have something bring business back. This plan meets all the requirements and the Planning Department says it is ready to go. He stated that he developer has met all of the requests that they legally need to make. He feels that Hargett Farm would be a great place for the community center. He supports the plan as proposed.

Justin Kiska, President of Golden Mile Alliance stated this is the first step and the GMA supports the plan. The plan proposed is what is best for the Golden Mile.

Carol Krimm of 1587 Abbey Court stated that she had envisioned a plan and it included a community center. The west end of the City is in need of a community center. She said there could be other opportunities on the west side and one that is already there is the center that is in the Hillcrest area which hasn't been able to be used by the community for a couple of years. There should be some type of effort to get that reopened for the community to use. She doesn't want the idea of the community center to go away she wants it to stay on the radar when the Commission talks about other projects on that end of town.

Planning Commission Action Section 605(c) (4):

- MOTION:** Commissioner Brown moved for the approval of a modification to Section 605(c) (4) to the property landscape requirements to allow the planting of 236 of the required 286 landscape trees based on the compensating features of a tree lined boulevard and traffic circle, landscaped trails and walkways, the reduction of impervious surface area and stormwater management facilities which are all consistent with the Golden Mile Small Area Plan and Comprehensive Plan.
- SECOND:** Commissioner Nicklas.
- VOTE:** 4-0. (Commissioner Perkins abstained)
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Planning Commission Action Section 607(h) (2):

- MOTION:** Commissioner Brown moved for the approval of a modification to Section 607(h)(2) to the loading space requirements to allow for three large spaces at Boscov's, one small space at Building B, and one small space at Building C.
- SECOND:** Commissioner Nicklas.
- VOTE:** 4-0. (Commissioner Perkins abstained)
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Planning Commission Action Section 25-50(d) (4) (D):

MOTION: Commissioner Brown moved for the approval of a modification to Section 25-50(d) (4)(D) of the City Code, the Floodplain Ordinance, to allow development to encroach the flood protection area setback of 100' based on the proposal providing 70% stormwater treatment through nonstructural practices.

SECOND: Alderman Russell.

VOTE: 4-0. (Commissioner Perkins abstained)

Planning Commission Action Architectural Elevations:

MOTION: Commissioner Brown moved to approve the architectural elevations per Section 863.

SECOND: Alderman Russell.

VOTE: 4-0. (Commissioner Perkins abstained)

Planning Commission Action PC14-118FSI:

MOTION: Commissioner Brown moved to approve PC14-118FSI for Frederick Towne Center finding that the proposed application complies with all of the applicable sections of the LMC as well as the conditions established in Ordinance G-13-17 for the rezoning of the property from MU-1 to GC and based on the following conditions:

To be met in less than 60 days:

1. The Applicant revises Note 13 to indicate the existing freestanding signs are nonconforming with respect to their height and size and are subject to Section 904 of the LMC.
2. The Applicant provides the following note on Sheets 16-19, the Lighting Plan: Floodlights and spotlights must not be mounted more than 20 feet above ground and must be shaded to protect adjacent residential areas and the passing public from all avoidable glare. No lights must simulate or conflict with any traffic, police, safety, or emergency lights."
3. The Applicant depicts the location of all floodlights or spotlights located on the building.
4. The Applicant provides three additional fire hydrants in the locations specified by Steve Krone, the City Fire Protection Engineering.
5. The Applicant labels the wildflower garden as an interpretive walkway and shows the location of educational placards.
6. The Applicant clarifies Note 9 to the correct parking calculation of 1,828 or 1,851 spaces.
7. The Applicant corrects the property landscape note on Sheet 12 to indicate the correct number of trees.
8. The Applicant provides the dates that the APFO exemption certificate was signed for water, sewer and roads.
9. The Applicant pays the fees associated with the modification requests and if approved by the Planning Commission, notes the date of approval.
10. The Applicant must add a note to the site plan stating, "Prior to issuance of the first building permit for the redevelopment of the site, the Applicant will receive approval of a grading plan for the following:

- a. design and construct improvements to Waverly Drive from Route 40 to the intersection of the Avenue to limit the turning traffic within the queue storage length to meet the intent of Section 1203(f)(2) of the LMC based on the concept provided in Figure 6-6 of September 11, 2014 TIS, or an alternative satisfactory to City Staff.
- b. design and construct improvements to McCain Drive from Route 40 to the intersection of the Avenue limit the turning traffic within the queue storage length to meet the intent of Section 1203(f)(2) of the LMC based on the concept provided in Figure 6-6 of September 11, 2014 TIS, or an alternative satisfactory to City Staff.

In Greater Than 60 Days:

1. The Applicant records and labels a public access easement over the private path and park adjacent to Rock Creek.

SECOND: Alderman Russell.

VOTE: 4-0. (Commissioner Perkins abstained)

O. PC14-119FSCB, Combined FSD/PFCP, Frederick Towne Center

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

Planning Commission Action:

MOTION: Commissioner Brown moved to approve combined forest stand delineation/preliminary forest conservation plan for PC14-119FSCB for Frederick Towne Center with payment of fee-in-lieu in the amount of \$68,084.

SECOND: Alderman Russell.

VOTE: 4-0. (Commissioner Perkins abstained)

P. PC14-720ZTA, Text Amendment, Small Scale Craft Distillery/Brewery/Winery

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

Gary Brooks stated that he is excited to see any new venture in the industry. He thinks it is a great idea.

Planning Commission Action:

MOTION: Commissioner Brown moved for a positive recommendation to the Mayor & Board of Aldermen for the amendments to Section 404, Table 404-1 as proposed in the draft ordinance.

SECOND: Commissioner Perkins.

VOTE: 4-0.

Q. PC14-629ZMA, Map Amendment, Shaver/Johnson Farm (Renn Farm)

Mr. Davis entered the entire staff report into the record. There was public comment on this item. Brian Morris, Matan Companies, stated that Kate Kuranda, R. Christopher Goodwin and Associates, Inc., was not able to make the meeting this evening but would like to read a letter into the record for her.

Karl Morris, Matan Companies, stated that in Kate's letter it states that the Maryland Historical Trust (MHT) found that the Shaver Farm is a contributing element to larger rural historical district however; the agency did not find that the farm was individually significant for the local agricultural architectural history. He concluded saying that MHT and a professional that has 25+ years of experience have come up with a completely different conclusion than staff.

MOTION: Alderman Russell moved for a positive recommendation to the Mayor & Board of Aldermen for the rezoning of the Shaver/Johnson Farm (Renn Farm), 1317 Hughes Ford Road, in order to apply the Historic Preservation Overlay (HPO) zone while maintaining the base zoning of M1 and the Airport Overlay (AO) and that the boundaries of the HPO are to run along Monroe Avenue, Monocacy Blvd., parallel Monroe Avenue with at least 100 feet from the furthest point of each structure and in addition outside the root disturbance zone around the specimen trees at the home. In addition it was noted that the majority of the Planning Commission does not support the retention of Building J within the HPO Boundary.

SECOND: Commissioner Perkins.

VOTE: 4-1.

There was no further business.

Meeting adjourned approximately 11:00 p.m.

Respectfully Submitted,

Carreanne Eyer
Administrative Assistant