

**Planning Commission Hearing Minutes
November 10, 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 Joe Adkins-Deputy Director for Planning Devon Hahn - Traffic Engineer Brandon Mark-City Planner Jackie Marsh-City Planner Scott Waxter- Assistant City Attorney Rachel Depo-Assistant City Attorney Carreanne Eyler-Administrative Assistant

I. ANNOUNCEMENTS:

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

MOTION: Commissioner McConnell.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Approval of the **October 13, 2014** Planning Commission Meeting Minutes as published:

MOTION: Commissioner Brown.

SECOND: Commissioner Nicklas.

VOTE: 4-0. (Commissioner McConnell abstained.)

Approval of the **October 20, 2014** Planning Commission Workshop Minutes as published:

MOTION: Commissioner McConnell.

SECOND: Commissioner Nicklas.

VOTE: 4-0. (Commissioner Nash abstained.)

Approval of the **November 7, 2014** Pre-Planning Commission Meeting Minutes as published:

The November 7, 2014 minutes were tabled until the December 8, 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. PC14-813FSCB, Combined FSD/PFCP, Triangle Motors
- B. PC14-435FSCB, Combined FSD/PFCP, Tract 2 Business Offices/Outpatient Treatment & Tract 3 Group Home

Planning Commission Action:

MOTION: Commissioner McConnell moved to approve PC14-813FSCB for Triangle Motors and PC14-435FSCB for Tract 2 Business Offices/Outpatient Treatment & Tract 3 Group Home.

SECOND: Commissioner Nicklas.

VOTE: 4-1. (Commissioner Brown abstained since he is the applicant on item B.)

V. CONTINUANCES:

- C. PC14-649FSI, Final Site Plan, Evangelical Reformed Church

Planning Commission Action:

MOTION: Commissioner McConnell moved to continue PC14-649FSI for Evangelical Reformed Church for 30 days to the December 8, 2014 Planning Commission hearing

SECOND: Commissioner Nicklas.

VOTE: 5-0.

VI. MISCELLANEOUS:

- D. Harry Grove Stadium

Ms. Collard 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 for the signage as proposed in the design booklet provided.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

- E. Right of Way Abandonment-West 2nd Street

Ms. Collard 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 for the abandonment of right of way as proposed.

SECOND: Commissioner Nicklas.
VOTE: 5-0.

VII. OLD BUSINESS:

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

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

Lee Sharpe of 108 W. 9th Street stated that he is not in favor of changing the zoning classification. He feels that there is a construction problem as far as redoing the house, it is not adequate for this type of facility. He stated there are other places that this would be better suited.

Marguerite Sharpe of 108 W. 9th Street stated that she is concerned with the children if playing in the play yard. It is not safe and she questioned who will be supervising the children. She also is concerned about the age cut off being 12 years of age and questioned how teenagers would be provided services.

Carlotta Joyner of Frederick Friends Meeting School at 723 N. Market Street stated that they recognize the need to serve homeless woman and children. They appreciate that the Frederick Rescue Mission wants to expand their services to provide such a shelter with programs and policies similar to that they have successfully provided for many years in their Beacon House for men. They support the Frederick Rescue Missions rezoning request and welcome as temporary neighbors, the women and children who will stay at the shelter.

Andy Stout of 717 N. Market Street stated that he is in total agreement that we need a women shelter here in Frederick. He will support it at 731 N. Market if a deed restriction on it that will limit it to women. He does not support the rezoning.

John Switzer of 22 E. 8th Street stated that he has serious concerns that the request will have a negative impact on his quality of life and property value. There is nothing to hold the Rescue Mission to this model of use, they or any subsequent owners could change it to less desirable uses which include a homeless shelter for men or drug addiction treatment center. He has little faith that once the IST floating zone is placed on the property that it will ever be removed. There are too many deficiencies and unanswered questions that this should not be approved.

Teri Kwiatek of the Frederick Rescue Mission stated that she works directly with these homeless women. It is very hard for me to tell them there is no place for them to go. The woman who will be going to this shelter are woman who desire not to be homeless and want to have help to get out of their situation. She supports the request.

Michael Vario of 96 Buell Drive stated that the men and women who will go to Faith House will be on an accountable program and will be monitored by case workers. He finds the Frederick Rescue Mission is uniquely qualified to do what no one else is doing in Frederick County and that should speak volumes. He urges the Commission to move in favor of the request.

Kathy Stoner of 708 N. Market Street stated that she opposes the change at 731 N. Market Street from Residential to Institutional. They have no plans in place. She feels that this will be another mission just

like on South Street. She feels approval of this will violate the City's Comprehensive Plan. There are other places for this that are already zoned IST. She asked that the Planning Commission vote no to the change request.

Terry Reimer of 811 N. Market Street stated that she believes that the shelter is necessary but not on this property. Her main concerns are density. This is a 1.23 acre property.

Aaron McNabb of 840 N. Market Street stated that there are a lot of questions and it can't even be defined whether this can be just women that live there. He doesn't see this as being an improvement to this area. One of the main concerns is loitering and he said there are lots of questions to be answered.

Doug McFee of the Frederick Rescue Mission stated that he has been very impressed with the organization. You are looking at a quality group of individuals. He knows that with the structures and policies that in place [at the Beacon House] will be similar played out at the Faith House. He feels that this is a need that needs to be filled that will help the community.

Kenneth Sexton of 419 W. South Street stated that he graduated from the program at the Frederick Rescue Mission. He was struck with lots of problems and drug addiction. The FRM has helped in and he is currently interning there. There is definitely no tolerance there and if you do not want to change then you will not be there. There is not just a need but a want for change. He has changed his life because of the Mission and is getting ready to go to college.

Ron Mizerak, Vice President of Business/Construction of Interfaith Housing stated that the current building is 2.5 baths and the Rescue Mission has done their due diligence and had a contractor come through to review the building. There is plumbing in the front of the building. He is in favor of the request.

Michael Greenberg of 419 W. South Street stated that the real problem here is hopelessness. The Frederick Rescue Mission program and structure has changed his life. That organization has integrity and they just care. He supports the request.

Tommy Skaggs of the Frederick Rescue Mission stated that there would be little, if any, change outside, looking inside to that home. He stated there is no reason a woman should be without a home in today's economy. He concluded by asking the Commission to not allow the children and woman to feel like no one cares.

Mary Lynn Hinde of 601 Magnolia Avenue stated that she truly believes that the Rescue Mission does a great job and also recognizes the fear and confusion that might be in a lot of people's minds. We are facing our issues of homelessness in a way that we haven't ever faced them before. She stated it is a leap of faith and is something that needs to be done.

Chris Covall of the YMCA stated that we have a current partnership with the Rescue Mission by providing access to the YMCA that allows the male residents an opportunity to engage in activities at the YMCA at no cost which we believe has had a positive influence on their lives and also has attributed to their success. If we are trying to get the woman employed so they can eventually own their own home or have their own apartment then the YMCA is committed to provide wrap around services that will support these women and children during their stay.

Kathy Vanhart stated that she is part of the homeless women that everyone is talking about. She feels that women out there are not safe. There is no help for us and the Rescue Mission is beautiful people. She added they need some security and stability and we want hope.

Brian Scott, Executive Director of the Religious Coalition, stated that we encourage people to help their neighbors in need. We have had a close partnership with the Rescue Mission to achieve that objective. He added that they are the point of entry for homeless prevention and often a gateway to agencies that may have shelter or housing options available. We share our support for what the Rescue Mission is trying to do to bring more shelter to homeless families.

Dan Ryan owner of Dan Ryan Builders stated that Interfaith Housing is the best location for a women's shelter that we could find. The five years he has been on the Board he has been so impressed with the integrity, the faith and business sense of Arnold Farlow to bring together a board of directors who are dedicated and who are so concerned about their own community as these people are. He asked for the Commission to support the request.

Edna Harrison of 422 W. South Street stated that the Frederick Rescue Mission are good people. They have been there to help me. They make sure I have help to mow my grass and shovel snow. If it wouldn't be for them I could not stay there. These women with children need some where to live, so please don't turn them down. They will do a lot for the community.

Melody Grove of Walkersville stated that we each could have the need that these women and children need. These are your own citizens and neighbors. We need to be the city inside that we see outside on the paper that says this is one of America's best cities. These women cannot take the next step without a permanent residence.

Linda King, Executive Director of Care Net Pregnancy Center stated that we have clients that we can refer to depending on the need but when it comes to housing needs there is nowhere to refer them to. The Frederick Rescue Mission has an excellent reputation and they believe this would be a vital resource for the community. Care Net welcomes the Mission to the neighborhood and they believe it would be a great addition to serving the women and children in our community.

Josh Peterson of 700A. Motter Avenue stated that he supports this institution designation for two reasons; that as an institution the services it will provide will be valuable to the community and the other reason is because it is a nonprofit institution that receives revenue from a variety of sources. So it is an investment.

Katie Nash of 207 Meadowdale Lane stated that we all know the need for a shelter is immediate. The staff report is strong and offers the guidance that you need to move forward tonight. She added that homelessness does not equate to criminal activity. She is in support of the shelter and the request.

John Reimer of 811 N. Market Street stated that tonight we all want to live in a city that provides this kind of service to citizens. This is about a zoning change not about an emotional impact. He feels that the change will not fit into the neighborhood and that there are other places that are best suited for a shelter.

Bob Grove of Walkersville stated that he knows that Mr. Farlow is a trustworthy man. He feels that all the programs that the Rescue Mission provides work well. If you take this building, renovate and screen

the people to know which one will be the best neighbors and he strongly urges the Commission to recommend approval and feels it would improve the neighborhood.

Mike Spurrier, Director of Frederick Community Action Agency, provided the Commission with a copy of the most recent point and time survey that shows an estimated number of homeless people in the County. He stated that they have worked to develop and build The Frederick Transitional Shelter for Homeless Families. It is a 31 bed facility located behind the Community Action Agency. There have been very few problems there over the past 20 years and he welcomed the neighbors on Market Street to visit their facilities.

Barry Salisbury of the Rescue Mission Board stated that the Mission changes lives and the program works. It takes hopeless and homeless people and gives them a home and hope. She stated that we need a place in Frederick for homeless women and children so they can change their lives so they can get back out and be productive, loving, joyful members of society. She asked the Commission to recommend rezoning this property so they can move forward.

Annette Breiling, Member of the Coalition stated that she has become very concerned with the issue of homelessness in our community. There are communities in the country who have worked seriously at it and have made significant progress. She has great confidence in the Mission. If we take on this project for moms and children, this is just a small piece of the total problem we have in our community. She strongly supports the request.

Planning Commission Action:

MOTION: Commissioner McConnell moved for a positive recommendation to the Mayor & Board of Aldermen for the placement of the IST zone on the property identified as 731 N. Market Street for the express purposes of establishing a “Religious or Social Mission” more particularly described by the applicant to include a temporary shelter for women and children within the existing nonresidential structure on the property and affordable housing in support of the organizations mission in the existing 12-unit multifamily building based on the staff report and the following conditions 1) the temporary homeless shelter shall be for no more than 10 adults and their children 2) the services including but not limited to the serving of food shall only be for those living at the shelter and in the transitional apartments.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

VIII. NEW BUSINESS:

G. STF14-339FSI, Final Site Plan, Vinny’s Towing

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

Planning Commission Action:

MOTION: Commissioner McConnell moved to support a recommendation of a deferral of the required road frontage improvements along 801 Highland Street and finds it reasonable

for the applicant to install the necessary improvements at such time when the site seeks redevelopment approval or when the remainder of Highland Street, east of Sites J & K is redeveloped.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

H. PC14-647FSI, Final Site Plan, Triangle Motors

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

Planning Commission Action Per Section 605(c):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 605(c), *Property Landscape Requirements*, to reduce the number of onsite landscaping trees from 70 to 42 based on the large forest conservation easement being created onsite as a compensating feature.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action Section Per 605(d):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 605(d), *Screening*, granting relief from providing a Level I landscape buffer along the northeastern lot line based on the development restrictions in this vicinity imposed by the floodplain and stormwater management facility.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action PC14-647FSI:

MOTION: Commissioner McConnell moved for approval of final site plan PC14-647FSI with the one condition to be met in less than 60 days as read into the record by staff.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Commissioner Brown recused himself from voting on agenda items I & J. He is the applicant.

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

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

Planning Commission Action Per Section 607(g) (2):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 607(g)(2), to reduce the required 15 foot setback from property lines for parking facilities for uses allowed in residential districts to a 2.5' setback.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action Per Section 607(h), Table 607-4:

MOTION: Commissioner McConnell moved for the approval of a modification to Section 607(h), Table 607-4 to allow for a small size (9' x 20') loading space instead of a large loading space (12' x 50') for office uses that are between 5,000 and 100,000 square feet.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action Per Section 605(f):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 605(f) for the planting of street trees within the required planting strip along West Patrick Street based on the provision of two additional Japanese Maples on the subject property.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action Per Section 605(d):

MOTION: Commissioner McConnell moved for the approval of a modification to Section 605(d), *Landscaping Standards and Screening* to eliminate the landscape buffers between Tracts 2 & 3.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action PC14-433FSI:

MOTION: Commissioner McConnell moved for the approval of PC14-433FSI, Tract 2 Business Offices/Outpatient Treatment & Tract 3 Group Home with the one condition that is to be met in less than 60 days and one condition that is 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. PC14-434FSU, Final Subdivision Plat, Tract 1, Tract 2 Business Office/Outpatient Facility

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

Planning Commission Action:

MOTION: Commissioner McConnell moved for approval of PC14-434FSU final subdivision plat for Tract 1, Tract 2 Business Office/Outpatient Facility with the one condition to be met in less than 60 days as read into the record by staff.

SECOND: Commissioner Perkins.

VOTE: 5-0.

K. PC14-534PSU, Preliminary Subdivision Plan, Alderbrook (Crumland Farm)

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

Planning Commission Action Per Section 605(f):

MOTION: Commissioner McConnell 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 in HOA open space and private property.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action Per 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 Nicklas.

VOTE: 5-0.

Planning Commission Action PC14-534PSU:

MOTION: Commissioner McConnell moved to approve PC14-534PSU preliminary subdivision plan with the five conditions to be met in less than 60 days and the three 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.

L. PC14-535PFCP, Preliminary Forest Conservation Plan, Alderbrook

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

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

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

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action PC14-535PECP:

MOTION: Commissioner McConnell moved to approve PC14-535PECP for Alderbrook as read into the record by staff.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

M. PC14-739ZTA, Text Amendment, Section 417(b) (3), Mixed Use

Ms. Collard 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 for the amendments as proposed in the draft ordinance.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

N. PC12-157ZTA, Text Amendment, Appeals

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

Bob Logan of 2592 Bear Den Road asked why administrative decisions were being changed to de novo when the Circuit Court claims that is can't be de novo, that it had to be on the record.

Bruce Dean of Linowes & Blocher stated that he supports what Aldermen Russell said about appeals going directly to Circuit Court. He feels that appeals from the Planning Commission decisions to the Zoning Board of Appeals is inappropriate and the original proposal should be the one support by the Board of Aldermen.

MOTION: Commissioner McConnell moved to not support a recommendation for to the Mayor & Board of Aldermen for the amendments as proposed in the attached draft ordinance.

However, she expressed support for amendments related to zoning administrator appeals going to the Zoning Board of Appeals and being heard de novo and that Zoning Board of Appeal decisions will require a majority vote as well as the Planning Commission upholds former Planning Commission recommendation to amend the ordinance so that Planning Commission decisions are appealed to the Circuit Court.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

There was no further business.

Meeting adjourned approximately 10:35 p.m.

Respectfully Submitted,

Carreanne Eyler
Administrative Assistant

APPROVED 12-08-2014