

**Planning Commission Hearing Minutes
December 8, 2014**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Kate McConnell Andrew Brown Barbara Nicklas Arlene Perkins		Gabrielle Collard -Division Manager for Current Planning Jackie Marsh-City Planner Devon Hahn - Traffic Engineer Scott Waxter- Assistant City Attorney Carreanne Eyler-Administrative Assistant

I. ANNOUNCEMENTS:

Ms. Collard announced that there will be a special Mayor & Board Workshop on Tuesday, December 9, 2014 at 3 p.m. regarding 731 N. Market Street for anyone who may be interested in attending.

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

MOTION: Commissioner McConnell.

SECOND: Alderman Russell.

VOTE: 5-0.

Approval of the **November 10, 2014** Planning Commission Meeting Minutes as published:

MOTION: Commissioner McConnell.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Approval of the **November 17, 2014** Planning Commission Workshop Minutes as published:

MOTION: Commissioner Nicklas

SECOND: Alderman Russell

VOTE: 3-0. (Commissioner McConnell & Commissioner Brown abstained.)

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

The December 5, 2014 minutes were tabled until the January 12, 2015 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.)

V. MISCELLANEOUS:

A. Approval of the 2015-2016 Planning Commission Deadline Schedule

Planning Commission Action:

MOTION: Commissioner McConnell moved to approve the 2015-2016 Planning Commission Deadline Schedule.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

VI. NEW BUSINESS:

B. PC14-719FSU, Final Subdivision Plat, Creek Side at Carroll Creek Lots 4A & 4B

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

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

MOTION: Commissioner McConnell moved for the approval of a modification of Section 606(b) (2) in order to create Lot 4A with no road frontage conditioned on having a perpetual access easement agreement in place prior to plat recordation and considering that the modification will permit adaptive reuse of a historic building in the Fredericktowne Historic District

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action PC14-719FSU:

MOTION: Commissioner McConnell moved to approve PC14-719FSU, Carroll Creek Lots 4A & 4B with the one condition to be met within 60 days and the 2 conditions to be met in greater than 60 days and less than one year.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

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

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

Jason Lee of 8420 Gashouse Pike stated that the church has been around for 269 years. They do a lot in the area. He feels that as they grow this is a great thing for the community and he is in favor of the project.

Barbara Daniel of 233 Dill Avenue stated that they are deeply committed to downtown Frederick and want to continue to be a healthy and strong presence. She added there is no room and it is not safe for the programs they are doing if something is not done. She urges support from the Commission and is in favor of the project.

Cliff Bridgeford of 112 N. Court Street stated that he is deeply concerned about the pervious pavers that the applicant proposes to install. He feels there is a lack of detail. He has some issues that relate to the newly submitted site plan. He added that the site design has not been tailored to conform to meet the LMC. He stated that approval of the site plan will mean that "North Court" and the neighbors will continue to suffer the adverse consequences of a serious nuisance and crime problem continued by the church's refusal to secure its property. He adds that granting the modification requested by the applicant defeats the intent and purpose of the code of landscape standards to provide buffers and screening to make different land uses compatible, to reduce visual effect of unsightly activities, and create esthetically pleasing appearance, to preserve property values, and ensure compatible uses. He has major concerns if the pervious paving system does not work as well concerns of access to 2nd Street, interference with property rights. He feels the case should be denied.

Phil Topper of 110 N. Court Street stated that the parking easement is needed at all times. He added that the limits of disturbance that are on the plan will prevent the use of the area during construction. He also has concerns of post construction, if it is not properly screened and fenced as it is today, how do we know it will be the exclusive use of 100 N. Court Street as opposed to for church and non-church members. The new gate is not being placed where it currently is; it will be placed closer to 110 N. Court. Because of that, the turnaround area to the parking easement as well as the ability to back out of the garage, if that gate is there, will be compromised and we will not be able to make that turn. He would like to know what will happen with the alley during construction as well as having concerns regarding the storm water management next to his building that is 100 years old.

Andy Johnston, building chair and member of ERUCC, stated that the estimated time of construction is 10 months, not 2 years. He added that the gate will be replaced with what is already there. The location may change slightly so that it is more visible from the end of the alley. Mr. Johnston suggested that in the staff report on page 7 where it states "the use and privilege and right of way over and across, to and from, and with the right of ingress and egress thereto and therefrom" that parking should be included somewhere in that statement. He concluded that they don't anticipate any change from the church's perspective in the alley post construction that is not currently in use today. He supports the project.

Judy Debois, Director of the Children's chorus at ERUCC, stated that she has 100 children that come and go weekly and we have not had any incidents. Crime is not a concern to us and should not be a concern of the general public.

Ned Bond of Da Black Cat on Market Street stated that a gate down the middle will not prevent traffic. Unless someone wants to put up cameras or hard barriers to prevent all access or control all access, you are just going to have it. If people are concerned about crime then be a part of the solution, put up cameras, signs, hire a guard and prevent traffic flow on off hours and that will help, otherwise neither of these property owners have any real obligation to patrol or prevent traffic from going through their property. He supports the church's effort in this.

Planning Commission Action Per Section 605(c):

MOTION: Commissioner McConnell moved to support a modification to Section 605(c) from the property landscaping requirements to reduce the number of onsite trees from five to four based on the urban environment that is more characteristic of the DB zoning and based on the addition of new green space and the open plaza as opportunities for enhanced aesthetics as compensating features.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action Per Section 605(d):

MOTION: Commissioner McConnell moved to support a modification to Section 605(d), for relief of the Level II parking lot buffer requirement once again based on the urban environment that is more characteristic of the DB zoning and based on the provision of permeable pavers onsite that will treat and filter water runoff and improve the storm water management, a key function of landscape buffers.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action Per Section 605(g):

MOTION: Commissioner McConnell moved to support a modification to Section 605(g), for relief from the requirement for 10% of the internal parking lot to be landscaped, once again based on the urban environment that is more characteristic of the DB zoning and based on the provision of permeable pavers onsite that will treat and filter water runoff and improve the storm water management, a key function of internal parking lot plantings.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action PC14-649FSI:

MOTION: Commissioner McConnell moved for the approval of PC14-649FSI with the following conditions to be met in less than 60 days:

1. The Landscape Plan shall be corrected to indicate that only three street trees are required.
2. The Applicant shall revise the gate description to indicate chain and bollards that will be replaced in kind, but not necessarily in the same location – rather than a chain link fence as stated on the site plan.
3. The measurement of the drive aisle on the church property shall be a minimum of twenty feet to be increased to the maximum extent possible that will result in no greater impact on the parking areas to the north than what currently exists now.

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

1. The Applicant shall receive Historic Preservation Commission (HPC) approval for site changes that have not previously been approved.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

There was no further business.

Meeting adjourned approximately 7:55 p.m.

Respectfully Submitted,

Carreanne Eyer
Administrative Assistant

APPROVED 01-12-2015