

## Planning Commission Hearing Minutes January 11, 2016

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Alderman Russell Kate McConnell Barbara Nicklas Arlene Perkins		Gabrielle Collard -Division Manager for Current Planning Pam Reppert – City Planner Jeff Love – City Planner Scott Waxter- Assistant City Attorney Devon Hahn – City Traffic Engineer Carreanne Eycler – Administrative Assistant

### I. ANNOUNCEMENTS:

Ms. Collard stated that the Planning Commission Workshop will be held on Tuesday, January 19, 2016 at 2 p.m. due to the holiday.

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Approval of the **December 8, 2015** Pre-Planning Commission Meeting Minutes as published:

**MOTION:** Commissioner Perkins.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

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Approval of the **December 11, 2015** Pre-Planning Commission Meeting Minutes as published:

**MOTION:** Commissioner Perkins.

**SECOND:** Commissioner Nicklas.

**VOTE:** 3-0. (Commissioner McConnell abstained)

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Approval of the **December 15, 2015** Planning Commission Meeting Minutes as published:

**MOTION:** Commissioner Perkins.

**SECOND:** Commissioner Nicklas.

**VOTE:** 3-0. (Commissioner McConnell abstained)

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Approval of the **December 21, 2015** Planning Commission Workshop Minutes as published:

**MOTION:** Commissioner Perkins.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

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Approval of the **January 8, 2016** Pre-Planning Commission Meeting Minutes as published:

**MOTION:** Commissioner Perkins.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

### 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. PC15-826FSU, Final Subdivision Plat, Shapiro’s Addition to Shapiro**

**Planning Commission Action:**

**MOTION:** Commissioner Nicklas moved to approve PC15-826FSU, Shapiro’s Addition to Shapiro.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

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**V. MISCELLANEOUS:**

**B. Approval of the 2016-2017 Planning Commission Calendar**

**Planning Commission Action:**

**MOTION:** Commissioner Perkins moved to approve the 2016-2017 Planning Commission Calendar.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

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**C. PC07-177FSI, Final Site Plan, Ballenger Center**

**Planning Commission Action:**

**MOTION:** Commissioner Nicklas moved for the approval of a one year extension of Final Site Plan PC07-177FSI until February 6, 2017.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

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**VI. NEW BUSINESS:**

**D. PC15-735FSI, Final Site Plan, Waffle House**

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

Clint Hoffman of 315 Braddock Avenue stated that on the back row of hedges on the site he would like to see a fence there to help buffer out the noise. He also stated that the parking situation is bad and has concerns of cars being parked along his street.

**Planning Commission Action Per Section 607:**

**MOTION:** Commissioner Nicklas moved for approval of a modification to Section 607, Table 607-1, *Parking Schedule* with the three findings of facts as read into the record by staff.  
**SECOND:** Commissioner Perkins.  
**VOTE:** 4-0.

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**Planning Commission Action PC15-735FSU:**

**MOTION:** Commissioner Perkins moved to approve PC15-735FSI, Waffle House finding the proposed application complies with all of the sections of the LMC based on the following conditions to be met:

1. The Applicant revises Note 2 to indicate that the CAPF-R was approved on December 30, 2015 as well as remove the criteria for CAPF-PWT and CAPF-SBT.
2. The Applicant revise note 11 to update the amount of seating proposed for the restaurant as 38 as well as the parking calculation accordingly.
3. If approved, the Applicant revise note 12 to include the sections and date of all modification(s) approved.
4. The Applicant to revise the photometric plan to eliminate spillover by reducing the light levels to 0.0 at the property lines.
5. The Applicant install a 6' tall board-on-board fence to the north of the five parking spaces fronting on Braddock Avenue subject to review and approval by the Frederick Police Department for compliance with Crime Prevention Through Environmental Design (CPTED) principles with landscaping to be provided on the north side of the fence.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

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**E. PC15-117PSU, Preliminary Subdivision Plat, Bowersox Property**

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

Diane Smoley of 7931 Worman's Mill Road stated that she has concerns regarding pedestrian circulation. She also stated that when construction started across the road, noise was reflecting towards the homes and noise levels in general have increased.

**Planning Commission Action:**

**MOTION:** Commissioner Nicklas moved for approval PC15-117PSU, Bowersox Property, finding the proposed application complies with all of the sections of the LMC based on the following conditions to be met:

1. Edit Note 19 to document completion and approval of the Phase I archeological assessment report for the project.
2. Edit Note 11 to add the Mayor & Board approval of \$135,000 payment for fee-in-lieu of the parkland requirement.
3. Obtain reclassification for water and sewer to W3/S3 and update Note 5 accordingly.
4. Move LOD 4-5 feet across Lots 4-7 to decrease percentage of critical root zone disturbance for trees 7-9 and 13.
5. Obtain County and City approval of the proposed road names.

6. Add a note that the LOD will be finalized at the final site plan stage for Lot 2A to protect specimen trees #4 and #5.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

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**F. PC15-116PFC, Preliminary Forest Conservation Plan, Bowersox**

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 for approval of PC15-116PFC, Bowersox Property, finding the proposed application complies with all of the sections of the LMC based on the following conditions to be met:

1. Correct Forest Worksheet to HDR Land Use Category.
2. Move LOD 4-5 feet across Lots 4-7 to decrease percentage of critical root zone disturbance for trees 7-9 and 13.
3. Add a note that the LOD will be finalized at the final site plan stage for Lot 2A to protect specimen trees #4 and #5.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

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**G. PC14-987PSU, Preliminary Subdivision Plan, Monocacy Center**

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

Diane Smoley of 7930 Worman's Mill Road stated that she has concerns of pedestrian circulation; it is not a comfortable place to walk. She also stated that with the small diameter round-a-bouts that are being used in Market Square and cars don't stop for pedestrians.

**Planning Commission Action Per Section 605 (f)(5):**

**MOTION:** Commissioner Perkins moved for the approval of a modification to Section 605(f)(5) to reduce the number of street trees on Francis Lane by seven, with the three findings that were read into the record by staff.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

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**Planning Commission Action PC14-987PSU:**

**MOTION:** Commissioner Nicklas moved for approval of the Monocacy Center Preliminary Plan PC14-987PSU, in accordance with the LMC Article 5 with the five conditions to be met as read into the record by staff.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

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**H. PC14-989FSI, Final Site Plan, Monocacy Center**

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

**Planning Commission Action:**

**MOTION:** Commissioner Perkins moved for a continuance for the final site plan, Monocacy Center until the February 8, 2016 Planning Commission Hearing.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

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**I. PC15-565FSCB, Combined FSD/PFCP, Monocacy Center**

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 for unconditional approval of the Monocacy Center PC15-565FSCB in accordance with LMC Section 721.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

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**J. PC15-660FSU, Final Subdivision Plat, Monocacy Sewage Pumping Station**

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

**Planning Commission Action Per Section 506 (c):**

**MOTION:** Commissioner Perkins moved to support a positive recommendation to the Mayor & Board of Alderman for PC15-660FSU for the deferral of the required road frontage improvements until such time as a CIP project has been established for its construction.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

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**Planning Commission Action PC15-660FSU:**

**MOTION:** Commissioner Nicklas moved for approval of PC15-660FSU, Monocacy Sewage Pumping Station, based on the information provided and compliance with all applicable regulations and with the four conditions to be met as read into the record by staff.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

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**K. PC15-659FSI, Final Site Plan, Monocacy Sewage Pumping Station**

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

**Planning Commission Action Per Section 605 (e):**

**MOTION:** Commissioner Perkins moved for the approval of a modification to Section 605(e), Table 605-3 for the Level 1 landscaping buffer along the eastern property with the three findings that were read into the record by staff.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

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**Planning Commission Action PC15-659FSI:**

**MOTION:** Commissioner Nicklas moved for approval of PC15-659FSI, Monocacy Sewage Pumping Station based on the information provided and compliance with all applicable regulations and with the two conditions to be met as read into the record by staff.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

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**L. PC15-661FSCB, Combined FSD/PFCP, Monocacy Sewage Pumping Station**

Ms. Collard read 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 Perkins moved for approval of a modification to Section 721 (d)(2)(c) for the removal of 16 specimen trees finding that based on the unique nature of the project as critical public infrastructure and with the six findings that were read into the record by staff.

**SECOND:** Commissioner Nicklas.

**VOTE:** 4-0.

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**Planning Commission Action PC15-661FSCB:**

**MOTION:** Commissioner Nicklas moved for approval of PC15-661FSCB, Monocacy Sewage Pumping Station, based on the information provided and compliance with all applicable regulations and with the seven conditions to be met as read into the record by staff.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

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**M. PC15-954ZTA, Text Amendment, Section 856 Restaurants w/ Entertainment & Section 308 Conditional Uses**

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

Kara Normand of the Downtown Frederick Partnership stated that they are in support of this request.

**Planning Commission Action Section 856:**

**MOTION:** Commissioner Perkins moved for a positive recommendation to the Mayor & Board of Alderman for approval of the amendments to Section 856 of the LMC as provided in the draft ordinance and based on the three findings as read into the record by staff.

**SECOND:** Commissioner McConnell.

**VOTE:** 4-0.

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**Planning Commission Action Section 308:**

**MOTION:** Commissioner Nicklas moved for a positive recommendation to the Mayor & Board of Alderman for approval of the amendments to Section 308 of the LMC as provided in the draft ordinance and based on the one finding as read into the record by staff.

**SECOND:** Commissioner Perkins.

**VOTE:** 4-0.

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**Meeting adjourned approximately 10:00 p.m.**

Respectfully Submitted,

Carreanne Eyer  
Administrative Assistant

APPROVED 02-08-2016