

**Planning Commission Hearing Minutes
May 9, 2016**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Alderman Russell Kate McConnell Barb Nicklas Arlene Perkins Ron Burns Katie House		Gabrielle Collard -Division Manager for Current Planning Brandon Mark – City Planner Pam Reppert – City Planner Scott Waxter- Assistant City Attorney Tracy Coleman –Deputy Director For Engineering Lisa Mroszczyk Murphy – HPC Planner Carreanne Eyler – Administrative Assistant

I. ANNOUNCEMENTS:

Commissioner McConnell welcomed Katie House to the Planning Commission.

Ms. Collard announced that the Planning Commission Workshop will be held on Monday, May 16, 2016 at the Municipal Annex Building for interested parties who would like to attend.

Approval of the **April 11, 2016** Planning Commission Meeting Minutes as published:

MOTION: Commissioner Perkins.

SECOND: Commissioner Burns.

VOTE: 4-0. (Commissioner Nicklas abstained)

Approval of the **April 18, 2016** Planning Commission Workshop Minutes as published:

MOTION: Commissioner Perkins.

SECOND: Commissioner Nicklas.

VOTE: 4-0. (Commissioner Burns abstained)

Approval of the **May 6, 2016** Pre-Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Perkins.

SECOND: Alderman Russell.

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

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. CONTINUANCES:

C. PC15-922PND, Master Plan, Nicodemus Property

D. PC15-997PSU/FSI, Nicodemus Property

Planning Commission Action:

MOTION: Commissioner Perkins moved to continue the master plan PC15-922PND and the preliminary subdivision/final site plan PC15-997PSU/FSI for the Nicodemus Property for 30 days to the June 13, 2016 Planning Commission Hearing.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

V. 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. PC16-113FSU, Final Subdivision Plan, Saratoga Village

Planning Commission Action:

MOTION: Commissioner Burns moved for unconditional approval for PC16-113FSU, Saratoga Village.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

VI. MISCELLANEOUS:

B. Planning Commission Elections

Secretary

Planning Commission Action:

MOTION: Commissioner Nicklas nominated Alderman Russell to be secretary of the Planning Commission.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Vice Chair

Planning Commission Action:

MOTION: Commissioner Perkins nominated Commissioner Nicklas to be Vice Chair of the Planning Commission.

SECOND: Commissioner Burns.

VOTE: 5-0.

Chair

Planning Commission Action:

MOTION: Commissioner Perkins nominated Commissioner McConnell to be Chair of the Planning Commission.
SECOND: Commissioner Nicklas.
VOTE: 5-0.

VII. NEW BUSINESS:

E. PC16-110FSU, Final Subdivision Plat, Maple Park, Lots 2 & 3

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

Planning Commission Action:

MOTION: Commissioner Burns moved for the approval of PC16-110FSU, Maple Park finding that it complies with all applicable sections of the LMC and with the one conditions to be met as read into the record by staff.
SECOND: Commissioner Perkins.
VOTE: 5-0.

F. PC15-916FSI, Final Site Plan, Saratoga Village

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

Planning Commission Action Per Section 605:

MOTION: Commissioner Nicklas moved for the approval of a modification to Section 605, Table 605-3, the buffer and screening requirements, in order to substitute a 6' vinyl privacy fence for a 6' high wall or hedge as required screening for parking lots of ten or more spaces with the three findings of facts as read into the record by staff.
SECOND: Commissioner Perkins.
VOTE: 4-1. (Commissioner Burns opposed)

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

MOTION: Commissioner Perkins moved for the approval of a modification to Section 607(g)(2) to reduce the required 30' parking lot setback to 24' for nonresidential uses adjacent to residential zoning districts with the three findings as read into the record by staff.
SECOND: Commissioner Nicklas.
VOTE: 5-0.

Planning Commission Action PC15-916FSI:

MOTION: Commissioner Nicklas moved for the approval of PC15-916FSI, in accordance with Section 309 and all other applicable standards of the LMC and with the following conditions to be met:

1. A note is added to the plan stating the approved modifications to Section 605 and 607.
2. The plan be revised to depict a 6' high hedge from the southwestern corner of the multifamily building on 610-611 W Patrick Street north to the northern edge of the parking area on the subject property. .

SECOND: Commissioner Perkins.

VOTE: 5-0.

G. PC15-397PSU, Preliminary Subdivision Plan, Belle Air Farm

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

Rita Gordon of Rock Creek Estates stated that she is one of the most impacted by the Belle Air Development. She added that when talking about roads accessing the farm and curbing on Shaffer Drive that it would be helpful to have more detail. . Ms. Gordon has concerns on whether or not Rock Creek will go through from Rock Creek Estates through the farm. She concluded by having concerns of how the emergency vehicles will get into the development.

Janise Clark of 110 Lavenport Circle stated that she has concerns regarding traffic. This new development will severely impact the Taskers Chance residents. She inquired about fencing to separate the new development from Taskers Chance and has concerns about the Locus trees being destroyed. She concluded that she doesn't want to see the wildlife area impacted with the new roads that are proposed.

Paul Gordon of Rock Creek Estates stated that he had concerns about the development in general stemming from the maintenance of the existing historic house which was built around 1834. He noted that the siding is falling off revealing logs underneath with nobody paying attention to the house. Mr. Gordon made a suggestion that the developer develop the property as Mr. Conley would have liked.

Planning Commission Action Per Section 601(f):

MOTION: Commissioner Nicklas moved for approval of a modification to Section 601(f), Access Management, with the findings stated in the staff report to allow for reduced roads/drive separation distances as follows:

- 0'-3' of separation distances between driveways on local roads;
- 2.5' of separation distances between townhouse driveway on a collector road;
- 117' of separation between a local street and another local street on a collector road.
- 195' and 108' of separation between a local street and a collector street on a collector road;
- 250' of separation between an arterial street and local street on a collector road

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action Per Section 803(g):

MOTION: Commissioner Perkins moved for approval of a modification with the findings stated in the staff report for the driveway setbacks to be reduced to less than 3' as required in Section 803(g), Residential Driveways and Parking Areas.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action Per Section 611:

MOTION: Commissioner Nicklas moved for the approval of the modifications to Section 611, Street Improvement Standards, for reduction of centerline radii and intersection design angle as follows:

- Reduction from the required centerline radius on street from 90' to 35' on Burnt Mill Circle and Marquis Street;
- Reduction in the centerline radius from 250' to 190' and 230' on Mill House Run;
- Reduction in center line radius-tangent to less than 100' to:
 - 0' between Stoddard and Marquis
 - 0' between Schaffer and Burnt Mills
 - 82' between Race Track and Dr. Colony
 - 99.7' between Edwin and Colonel John
- Reduction in intersection design to an angle of less than 70 degrees to 50 degrees for Colonel John Lane's and Mill House Run intersection.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action Per Section 605(f):

MOTION: Commissioner Perkins moved for the approval of a modification to Section 605(f), Street Tree Landscaping Requirements, to allow for placement of street trees outside of the public right-of-way, based on meeting the intent of Section 410 for the master plan and providing the City with maintenance easement for the trees on private lots and with the findings stated in the staff report.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

Planning Commission Action PC15-397PSU:

MOTION: Commissioner Perkins moved for the approval of PC15-397PSU, Belle Air Farm in accordance with Sections 504 and 507 and the approved master plan with the following conditions to be met:

1. Show the HPC approved driveways to Lots 107-109.
2. Complete Note 9 with MPDU Agreement recording references.
3. Update APFO Approvals with School Mitigation Agreement recording references.
4. Replace Reforestation note on Sheet 8 as follows: *Phasing lines do not reflect the required phasing for reforestation and retention. See the Preliminary Forest Conservation Plan (PC15-399PFC).*

5. Obtain final approval of the resource management plan(s) for the archeological protection area(s) as noted in the Phase II Report.
6. Label the reduced driveway setbacks on applicable lots.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

H. PC15-398FSI, Final Site Plan, Belle Air Farm

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

Janise Clark of 110 Lavenport Circle stated that having a copy of the drawing posted by the public notice sign for people to see it would be helpful so people can have a better understanding of what is going on.

Planning Commission Action Per Section 605(f):

MOTION: Commissioner Nicklas moved for the approval of a modification of City Code Article VII section 25-50(d)(4)(A) to allow disturbance within the 100-foot floodplain protection setback in order to grade two proposed storm water management facilities and the proposed parkland trail, based on the reasonable development with HPO constraints and modified dimensional standards for the PND already applied.

SECOND: Commissioner Perkins.

VOTE: 5-0.

Planning Commission Action PC15-398FSI:

MOTION: Commissioner Perkins moved for the approval of PC15-398FSI, Belle Air Farm in accordance with Section 309 and the approved PND master plan with the following conditions read into the record by staff.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

I. PC15-399PFCP, Preliminary Forest Conservation Plan, Belle Air Farm

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

Janise Clark of 110 Lavenport Circle stated she is glad to hear that the applicant is being respectful of the residents of Taskers Chance because they have concerns about trash/litter and inquiring about having a fence. She stated she would be contacting Mr. White.

Rita Gordon of Rock Creek Estates stated that the park that adjoins their development has had trees planted, has had trees donated and the idea was that people could walk from downtown Frederick out to Route 40 and to the shopping centers out there. She concluded that everyone needs to be aware that when you develop a piece of property there are other things going on in the area besides that. She recommended calling Jeannie Brice regarding trees.

Planning Commission Action:

MOTION: Commissioner Perkins moved for the approval of PC15-399PFCP, Belle Air Farm in accordance with Section 721 and the State Forest Conservation Act, with the following conditions read into the record by staff.

SECOND: Commissioner Nicklas.

VOTE: 5-0.

J. PC16-240ZMA, Zoning Map Amendment, 1724 North Market Street, HPO Amendment

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

Charles Carroccio, attorney for the property owner of 29 Wood Lane, Rockville stated that they are here to ask the Planning Commission to deny the City of Frederick Historic Preservation Commissions request. The building is an old building that has out-lived its usefulness. He said that not all of 423(b) is stated in the staff report and there are certain things that are required. He said this is a farm house that isn't consistent with the rest of the historic districts within the City. Mr. Carroccio stated that the property does not retain the historical integrity that is needed. He added that the structure has asbestos siding, storm windows, rotting frames, missing shutters, improper railings on the porches, mass produced ornamentation, satellite dishes, air conditioners in the windows, rotting facial boards, sloped roofing, and several foundation issues. The issues mentioned do not represent a structure that is well preserved. He concluded asking the Planning Commission to deny the request for the zoning map amendment.

Donald Jenkins, owner, stated that he can't sell the property the way it is. He has numerous violations and is not able to repair all the needs to be done. It is a struggle to keep the house. He is trying to go about taking care of the house the right way. He added that the different realtors he has spoken with have told him it is an eyesore and to get rid of the house.

Phillip Carls, President of the Carl's Group, stated that the condition of the house has asbestos siding, there are structural issues with the indented porch, beams sagging. He added that when examining the inside of the house there was asbestos on the radiator pipes. He feels that the house is past its useful life.

Anthony Moscato of 9 E. South Street stated that farm homes are a diminishing resource in Frederick County. Agriculture is such an important party of our history and identity as a community. He highly encourages the Mayor & Board to allow the overlay to be applied to this property.

Planning Commission Action:

MOTION: Commissioner Burns moved for a positive recommendation to the Mayor & Board of Alderman for the approval of an historic preservation overlay zone to the subject property while maintaining the base zone of neighborhood commercial based on the staff report and testimony this evening.

SECOND: Alderman Russell.

DISCUSSION: Mr. Waxter stated that if recommending approval of the HPO, that the Commission also reference the boundary that they think should be established. Mr. Burns responded that it might be best to amend the motion to include a boundary determination.

VOTE: Motion withdrawn

The Commission deliberated on which boundary they would recommend to the Mayor & Board of Alderman. They feel option A would be best. It meets the criteria of the National Park Service.

Planning Commission Action:

MOTION: Commissioner Burns moved for a resolution for a positive recommendation for PC16-240ZMA to the Mayor & Board of Alderman for the approval of an historic preservation overlay zone to the subject property while maintaining the base zone of neighborhood commercial based on the staff report and testimony this evening and would include Option A boundary as recommended by the Historic Preservation Commission and finding that the property is historically significant meeting the criteria iv(1) in the Land Management Code, as a well preserved example of a late 19th century single family vernacular, Victorian-era dwelling with Gothic Revival detailing within the city. As well as the house retains integrity of location, design, setting, materials, workmanship, feeling and association. The HPO designation is consistent with the Comprehensive Plan and the designation will not result in population change, affect public facilities or impact the number vehicular trips generated nor will it affect the base zoning or density and not in conflict with existing, permitted uses or future development.

SECOND: Alderman Russell.

VOTE: 4-0-1. (Commissioner Perkins abstained)

Meeting adjourned approximately 9:20 p.m.

Respectfully Submitted,

Carreanne Eyer
Administrative Assistant

APPROVED 06-13-2016