

**Planning Commission Hearing Minutes
August 8, 2011**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Elisabeth Fetting Josh Bokee Gary Brooks Rick Stup		Gabrielle Collard-Division Manager of Current Planning Pam Reppert, City Planner Jeff Love- City Planner Brandon Mark-City Planner Devon Hahn-City Traffic Engineer Carreanne Eyler-Administrative Assistant

I. ANNOUNCEMENTS:

II. APPROVAL OF MINUTES:

Approval of the **June 13, 2011** Planning Commission Hearing Minutes as amended:

MOTION: Commissioner Fetting.
SECOND: Commissioner Brooks.
VOTE: 5-0. (Commissioner Bokee abstained)

Approval of the **July 11, 2011** Planning Commission Hearing Minutes as amended:

MOTION: Commissioner Fetting.
SECOND: Commissioner Bokee.
VOTE: 5-0.

Approval of the **July 18, 2011** Planning Commission Workshop Minutes as amended:

MOTION: Commissioner Bokee.
SECOND: Commissioner Brooks.
VOTE: 5-0. (Commissioner Fetting abstained)

Approval of the **August 5, 2011** Pre-Planning Commission Minutes as amended:

MOTION: Commissioner Bokee.
SECOND: Commissioner Fetting
VOTE: 5-0 (Commissioner Brooks 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. 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. OLD BUSINESS:

A. PC11-226ZMA, Zoning Map Amendment, 201-203 E. 2nd Street

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mrs. Dunn entered the entire staff report into the record. She stated that the Planning Department is requesting approval of a zoning map amendment to remove the Institutional (IST) floating zone from 201 and 203 E 2nd Street and to reinstate the Downtown Residential (DR) zoning district while maintaining the Historic District Overlay (HDO).

INITIAL PLANNING STAFF RECOMMENDATION:

Staff supports a positive recommendation to the Mayor and Board of Aldermen for the removal of the IST floating zone and the reinstatement of the DR base zoning for the properties located at 201 and 203 E 2nd Street.

PLANNING COMMISSION QUESTIONING OF STAFF:

There was no questioning of staff from the Planning Commission.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

There was no questioning of the petitioner/applicant from the Planning Commission.

PUBLIC COMMENT:

Mr. Seymour Stern, Stern & Thornton represented Beth Shalom concurred with the staff report and asked that the Planning Commission would recommend approval

PETITIONER REBUTTAL:

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

There was no discussion or questions for staff from the Planning Commission.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revisions from planning staff.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Bokee moved for a positive recommendation to the Mayor & Board of Aldermen for the removal of the IST floating zone and the reinstatement of the DR base zoning for the properties located at 201 & 203 E. 2nd Street.

SECOND: Commissioner Fetting

VOTE: 5-0.

VI. NEW BUSINESS:

B. PC11-278ZMA, Zoning Map Amendment, Historic District Designation, Nicodemus

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Ms. Mroszczyk entered the entire staff report into the record. She stated that the Historic Preservation Commission (HPC) is requesting approval for a Historic Preservation Overlay (HPO) Zoning Map Amendment for a portion of Nicodemus Property. The Nicodemus Property, historically known as the Brengle Farm, contains an intact early nineteenth century Federal/Greek Revival style house and associated domestic outbuildings, a bank barn, dairy barn and milk house and a tenant house.

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two required public hearing so no recommendation is needed at this time.

PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Nash asked why the commercial parcel is included in the outline for HPO designation.

Ms. Mroszczyk replied that these are the boundaries the Historic Preservation Commission (HPC) put forth. They wanted to preserve use of the primary historic resource from Gas House Pike and that road aligns with the historic tree line drive that had been used access.

Commissioner Bokee asked what would be the restrictions that would be subject to the commercial property.

Ms. Mroszczyk stated that it would be any property in the city that would be zoned with Historic Preservation Overlay (HPO), any exterior alterations, new construction, and demolition would require review and approval from the HPC.

Commissioner Bokee asked what the criteria for new building.

Ms. Mroszczyk responded that there are guidelines for individual properties in small districts that address new construction.

Commissioner Bokee asked how this was originated to look at this property.

Ms. Mroszczyk stated that the plan came through several years ago which at that time staff had submitted information on the history of the property. When the plan came back the Comprehensive Planning Division was forwarded the plans to review for consistency with the Comprehensive Plan and the HPC reviewed the information and decided to submit a letter to the Planning Commission encouraging the

HPO and the retention of the structures. She added the applicant has done a great job of keeping what structures they can.

Commissioner Bokee asked why the HPC wouldn't consider coming from the other approach of Gas House Pike extending that HPO and why the view shed wouldn't be extended if it was the critical point.

Ms. Mroszczyk responded that it was her understanding that there was a lot of open space being maintained on that side.

Commissioner Fetting stated that the buildings identified by HPC are protected. She asked how much more protection would this overlay zone give as compared to what we already approved through the master plan process.

Mrs. Dunn replied that with the overlay you are looking at the greater context besides the 3 buildings. If the applicant maintained those buildings and then wanted to build something immediately adjacent to one of those structures that may take away its historic significance.

Ms. Mroszczyk added that although those buildings are in the preliminary plan not to be demolished that doesn't mean they are going to be preserved. This would ensure the buildings character is maintained.

Commissioner Stup indicated he has concerns about the HOA documents having the ultimate control and we need to focus on saving the buildings that need to be saved by going one step further than the HOA documents.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

City is the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

There was no questioning of the petitioner/applicant from the Planning Commission.

PUBLIC COMMENT:

Mr. Mike Smariga, Harris, Smariga & Associates feels that the structure was appropriate to save as an historic feature. He added that a lot has been done to this and it has always been their intention to preserve it. Mr. Smariga addressed Commissioner Stup's concern. He stated that if things need to be changed in the HOA documents to give more assurance that is fine but with HOA what you have is the financial wear with all controls that you don't have in the Historic District.

Commissioner Bokee stated if the commercial were to be excluded and the open space out of the HPC level and just stuck to the buildings one of the concerns that was brought up is that if you don't have the HPC Overlay that you can preserve the home but you would not have any obligation to preserve or restore the porch. What type of burden is this?

Mr. Smariga replied that the idea is controlling the commercial and the whole district overlay. The structures will be what they are and they will have to be fixed up. He thinks the house that someone would have to put something on the back of it rather than just a porch makes it a usable residential structure.

PETITIONER REBUTTAL:

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

There was no discussion or questions for staff from the Planning Commission.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revisions from planning staff.

PLANNING COMMISSION ACTION:

This is the first of two required public hearing so no recommendation is needed at this time.

C. PC11-204FSU, Final Subdivision Plat, Riverside Corporate Park (South Campus)

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Ms. Reppert entered the entire staff report into the record. She stated that the Applicant is requesting approval of a final subdivision plat for the Riverside Corporate Park-South Campus to re-subdivide the Forest Conservation Area, Outlot I, in order to create Outlot J.

The Applicant is also requesting approval of a modification to Section 606 of the LMC entitled, *Lots and Blocks*.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the modification to Section 606(b)(2) to waive the required road frontage for Outlot J, based on the following:

- 1) The unbuildable status of the outlot;
- 2) The agreement in place with City for cross access across the Clustered Spires Golf Course; and
- 3) The requirement that a cross access easement be executed across Outlot I prior to plat recordation

Staff recommends approval of the Riverside Corporate Park - South Campus Final Subdivision Plat, PC11-204FSU, with two conditions to be met in greater than 60 days and less than one year:

- 1) Complete Note #7 with modification approval date, if applicable.
- 2) The cross access easement over Outlot I must be executed and the recording references shall be labeled on the plat prior to recordation.

PLANNING COMMISSION QUESTIONING OF STAFF:

There was no questioning of staff from the Planning Commission.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

Mr. Andy Stout, Eastern Regional Director, Archeological Conservancy stated that the possibility to remove Frederick's most significance prehistoric archeological site from private ownership. He added that it is a great project and should work out to everyone's benefit. He concluded stating it is a non-buildable lot so the property will never be developed in any way.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

There was no questioning of the petitioner/applicant from the Planning Commission.

PUBLIC COMMENT:

There was no public comment.

PETITIONER REBUTTAL:

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

There was no discussion or questions for staff from the Planning Commission.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

In greater than 60 days and less than one year:

1. Complete Note #7 with modification approval date.
2. The cross access easement over Out lot I must be executed and the recording references shall be labeled on the plat prior to recordation.
3. Add a note to the plat as follows: No ground disturbance or structure (i.e. bricks/stones, wood, etc.) is permitted across the existing wetlands shown, unless permitted by MDE.

At the same meeting, the Planning Commission approved the modification to Section 606(b)(2) to waive the required road frontage for Out lot J, with a 5-0 vote, based on the following:

1. The unbuildable status of the Out lot;
2. The agreement in place with City for cross access across the Clustered Spires Golf Course; and
3. The requirement that a cross access easement be executed across Out lot I prior to plat recordation.

PLANNING COMMISSION ACTION FOR MODIFICATION PER SECTION 606(b)(2):

MOTION: Commissioner Bokee moved to approve the modification to Section 606(b)(2) to waive the required road frontage for Out lot J, based on the 3 conditions as read into the record by staff.

SECOND: Commissioner Fetting.

VOTE: 5-0.

PLANNING COMMISSION ACTION PC11-204FSU:

MOTION: Commissioner Bokee moved to approve Riverside Corporate Park-South Campus, Final Subdivision Plat, PC11-204FSU, with the 3 conditions to be met in greater than 60 days and less than 1 year as read into the record by staff.

SECOND: Commissioner Fetting.

VOTE: 5-0.

D. PC11-67FSI, Final Site Plan, 118 E. Patrick Street

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Mark entered the entire staff report into the record. He stated that the Applicant is requesting final site plan approval for a 7,000 square foot addition to the existing building located at 118 East Patrick Street.

The Applicant is also requesting a modification under Section 607 of the Land Management Code, *Parking and Loading Standards*.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommends approval of a modification request in accordance with Section 607(c)(5) to accommodate the three required parking spaces for 118 East Patrick Street off-site at 100 East Patrick Street.

Staff recommends approval of final site plan PC11-67FSI with the following conditions:

To be met in less than 60 days:

1. Upon Planning Commission approval of the modification request, the Applicant must provide notation on the final site plan to indicate the approval date.

PLANNING COMMISSION QUESTIONING OF STAFF:

There was no questioning of staff from the Planning Commission

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

Mr. John Mazelon, Fox & Associates, Inc. concurred with the staff report.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

There was no questioning of the petitioner/applicant from the Planning Commission.

PUBLIC COMMENT:

There was no public comment.

PETITIONER REBUTTAL:

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

There was no discussion or questions for staff from the Planning Commission.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revisions from planning staff.

PLANNING COMMISSION ACTION FOR MODIFICATION PER SECTION 607(c)(5):

MOTION: Commissioner Bokee moved to approve the modification request in accordance with Section 607(c)(5) to accommodate the 3 required parking spaces for 118 E. Patrick Street off-site at 100 E. Patrick Street.

SECOND: Commissioner Fetting.

VOTE: 5-0.

PLANNING COMMISSION ACTION PC11-67FSI:

MOTION: Commissioner Bokee moved to approve final site plan PC11-67FSI with the 1 condition to be met in less than 60 days as read into the record by staff.

SECOND: Commissioner Fetting.

VOTE: 5-0.

E. PC11-376FSI, Final Site Plan, Market Square @ Frederick Commercial

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Love entered the entire staff report into the record. He stated that the Applicant is requesting approval for a revision to the previously approved final site plan (PC09-399FSI), for the nonresidential component of the Market Square Mixed-Use project which was originally approved on April 12, 2010. The revised master plan for the project was approved on February 14, 2011 (PC10-415MXU) and the revised preliminary subdivision plat (PC11-41PSU) was approved on April 11, 2011.

The Applicant is also requesting approval of the architectural elevations for compliance with the Class A building and urban design standards established in §604 and the shopping center design standards established in §863.

Additionally, the Applicant is requesting a modification to §417 of the LMC, *Mixed Use Districts*.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommended approval of a modification to the maximum 25' interior setback for nonresidential lots under Table 417-2 based on 1) the Applicant's intent to create a square corner design at the

intersection of Shorebird Street and Osprey Way, and 2) the subject site's location at the periphery of the nonresidential portion of the project does not provide a break in the nonresidential use street wall.

Staff recommended approval of the architectural elevations based on compliance with the Class A building and urban design standards established in §604 and the shopping center design standards established in §863 as verified through the narratives and architectural elevations provided.

Staff recommended approval of final site plan PC11-376FSI with the following conditions:

To be met in less than 60 days:

1. Update note 29 to include the additional date of approval of the modification request to Table 417-2 for the maximum 25' interior setback.
2. Address technical comments from the Engineering Department as provided in the staff report.

PLANNING COMMISSION QUESTIONING OF STAFF:

There was no questioning of staff from the Planning Commission

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

Mr. David Lingg, Lingg Property Consulting concurred with the staff report.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

Commissioner Nash inquired about the pallet of materials design element that is requested to be used.

Mr. Lingg replied that the Planning Commission already approved that condition for use with that pallet of materials. He added that 1 of the 7 design elements that they chose to use materials from the existing building within the city and are trying to transfer some of the historic nature or character into those buildings on the site. Mr. Lingg stated that it is the same verbiage that was approved with the original architecture.

Commissioner Bokee questioned the brick color of the building on padsite 3 for Bank of America. He noted that it does not look like the rest of the buildings, but it was mentioned at a previous meeting that the pallet would match the rest of the shops.

Mr. Lingg stated that the building will be required to choose from the pallet of materials as shown on the architectural elevation sheets.

Commissioner Bokee stated that he would like a note place on the plan to indicate that all buildings would be required to use the pallet of materials shown.

Commissioner Fetting asked where the deliveries for main street shops A-F would be made.

Mr. Lingg responded that there are a 12 x 20 loading spaces are provided at the rear of the buildings. He also noted that Building A in the commercial strip is not proposed to have a loading space based on lack of necessary by the intended user. He went on to state that if the user changed, they would likely have to submit a site plan amendment to provide a loading space.

Commissioner Brooks recommended looking at if the proposed daycare center at the location would need a loading space for deliveries.

Mr. Lingg replied that they will discuss that with the tenant.

PUBLIC COMMENT:

There was no public comment.

PETITIONER REBUTTAL:

There was no Petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

There was no discussion or questions for staff from the Planning Commission.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

To be met in less than 60 days:

1. Update note 29 to include the additional date of approval of the modification request to Table 417-2 for the maximum 25' interior setback.
2. Address technical comments from the Engineering Department as provided in the staff report.
3. Provide a note that all buildings will use a pallet of materials as provided in the architectural elevations.

PLANNING COMMISSION ACTION FOR MODIFICATION FOR 25' SETBACK FOR NON RESIDENTIAL LOTS:

MOTION: Commissioner Fetting moved to approve the modification to the maximum 25' setback for nonresidential lots under Table 417-2 based on the testimony this evening.

SECOND: Commissioner Bokee.

VOTE: 5-0.

PLANNING COMMISSION ACTION FOR ARCHITECTURAL ELEVATIONS:

MOTION: Commissioner Fetting moved to approve the architectural elevations based on compliance with the Class A building and urban design standards established in §604 and the shopping center design standards established in §863 as verified through the narratives and architectural elevations provided.

SECOND: Commissioner Bokee.

VOTE: 5-0.

PLANNING COMMISSION ACTION PC11-376FSI:

MOTION: Commissioner Fetting moved to approve final site plan PC11-376FSI with the two conditions and the condition to be added to provide a note that all buildings will use a pallet of materials that was provided in the architectural elevations to be met in less than 60 days as read into the record by staff.

SECOND: Commissioner Bokee.

VOTE: 5-0.

Commissioner Brooks stated that as a resident and chairman of NAC 8 he had a meeting with the Applicant and is therefore recusing himself from the following case and will speak as a resident.

F. PC11-256FSI, Final Site Plan, Hillcrest Youth Center

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Love entered the entire staff report into the record. He stated that the Applicant is requesting final site plan approval for the construction of 2 story, 44,234 s.f. joint-use building which will provide accommodations for a recreation, social service center and a charter school.

The Applicant is also requesting the following modifications:

1. A modification per §607(c)(4) for authorization from the Planning Commission to provide a joint-use parking area.
2. A modification to §607(f)(2) which requires parking facilities for uses not allowed in residential zoning districts to be set back at least 30' from residential zoning districts

INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommended approval of modification per §607(c)(4) to allow a joint-use parking area in accordance with the provisions outlined therein provided that a joint-use parking agreement is executed between the two parties stipulating the maximum occupancy rate of each use as well as the dates/times stipulated in the staff report.

Staff recommended approval of a modification to §607(f)(2) for the required 30' setback between parking areas for nonresidential uses and residential zoning districts based on the compliance with the minimum Level II buffer requirement and additional plantings which will compensate for the impacts of the reduced distance between the parking lot and the interior lot line.

Staff recommended approval of final site plan PC11-256FSI with the following conditions:

To be met in less than 60 days:

1. Revise note 21 to include reference to the traffic management plan in accordance with the traffic impact study.
2. Note the removal of the tree within the Frontline Drive access drive on sheets 1 and 2 and provide a replacement of the same size and type on the adjacent property.
3. Remove the word "future" from the phase II addition label.

4. Remove the “future additional bike rack as needed” label from the plan and label the number of bike space per rack.
5. Provide a phasing note indicating compliance with §309(m).
6. Update note 6 to provide the actual distances from the structure to the property lines.
7. The landscaping plan must be signed and sealed by a registered landscape architect.

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

1. Execute and record an ingress/egress easement with the adjoining property owner for the Frontline Drive access.
2. Execute a joint use parking agreement.

PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Bokee asked how the city would determine when the traffic management plan would be implemented.

Mrs. Devon Hahn, City Traffic Engineer stated that if such a plan was needed and the Applicant would have provide somebody to facilitate the flow to keep things moving so there is no cuing on the streets. The Applicant would have to provide the City with a written plan for how this would be accomplished.

Alderman Russell stated that the city police do have a school crossing guard program. She added that she is not sure who manages the decisions of which school gets an assigned paid school crossing guard, but if there is going to be this traffic management plan, she would like to see it staffed internally by the school.

Mrs. Hahn stated that by obtaining the cross-access easement to Frontline Drive the queuing of cars during the drop-off/pick-up periods would be more efficient and then there would be extra room off of the public road.

Commissioner Nash asked that if the Applicant does not obtain the cross-access easement agreement would the plan have to be redesigned and a new review of the project completed again..

Mrs. Hahn responded yes.

Mr. Scott Waxter, Assistant City Attorney stated to follow up on Commissioner Bokee’s question, that if there are repetitive occasions when cars are queuing up in the roadway it would be a violation under the provision in the code for excessive use of police services if the police are constantly needed to assist in traffic direction. Additionally, Mr. Waxter noted that ticketing in the case of users illegally parking is another means of enforcement to rectify potential traffic issues.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

Mr. Steve Oder, Cavalier Development, concurred with the staff report.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

There was no questioning of the Petitioner/Applicant from the Planning Commission.

PUBLIC COMMENT:

Commissioner Gary Brooks, Chairman NAC # 8 stated that the majority of NAC #8 are behind this project. He added that he met with the applicant as a resident and the big concern in the area is the traffic. Charter Schools tend to not bring from the local neighborhood because everyone can apply. The several charter schools that are being discussed now there are about 800 applicants so there are a lot of people who want to go to these schools. Commissioner Brooks said that Hillcrest Drive in the morning hours is very congested coming down to get onto Route 40. He added that there is going to be an improvement over a mile away, Butterfly Lane and McCain Drive and that will not help the situation in that immediate area. He stated that he feels that the right-in/right-out situation at the intersection of Orchard Terrace and Hillcrest Drive will help. He stated the problem that is run into is that the mitigation has to be done at the top of McCain & Butterfly Lane. He noted that the NAC would like that to be changed to have the right-in/right-out on Orchard Way and not do the McCain & Butterfly Lane improvement.

PETITIONER REBUTTAL:

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

Mrs. Hahn stated that if there are queuing concerns, there are several options including the cross-access easement and using the additional area to cue in. This is why the traffic management plan was discussed. She added that the concern for the right-in/right-out – specifically the right-out – is that if vehicles are trying to go to Route 40 and they are forced to make a right turn to go the opposite direction that they want to go, common sense tells us that they will go down the street and make an illegal U-Turn, which is just moving the problem rather than addressing it. Mrs. Hahn said that by keeping it a full access people will turn when they feel it is safe and they will be making a regular left turn. The traffic study shows have acceptable levels of service..

Commissioner Nash asked when the TIS was done and what was the number of cars that were used for the school.

Mr. Mike Workosky, Wells' & Associates, stated that the number calculated was 150 inbound trips in the morning. He stated that schools have a compressed peak period because so many people arrive at one time and when there is a school like this there is the ability to stagger some of those trips.

Commissioner Bokee asked what triggered the McCain/Butterfly Line improvement.

Mrs. Hahn stated they had a study for the previous use of the site and as a part of that study they found that the intersection at McCain/Butterfly Lane did not meet adequacy per the LMC, so they proposed the improvements at that intersection to bring it up to an adequate level of service.

Commissioner Bokee asked if instead of applying the McCain/Butterfly Lane funding can it be on hold and if it becomes necessary to make any type of improvements after a certain time frame and redirect that funding to some improvement at that intersection by the school that it would be dedicated towards that and if not then it is released back to the McCain/Butterfly Lane improvement.

Mrs. Hahn stated that staff has discussed this and they are following the LMC and are applying the regulations as it's written.

Commissioner Bokee asked if that improvement was necessary for this project.

Mrs. Hahn said yes it would be.

Commissioner Nash asked if the Planning Commission has the ability to waive an improvement that was identified in the TIS.

Mrs. Dunn replied that Section 1203 outlines the methodology that says to identify intersections and those who are inadequate due to the trips and the generation rate need to be made adequate by the project. The TIS is done and said that the McCain Drive/Butterfly Lane intersection was inadequate and the Applicant must make it adequate.

Commissioner Fetting asked what the hours were of the user at the Community Center at Hillcrest Commons. She stated that she feels the queuing would be fine if the piece in front of the Community Center could be used.

Mr. Scott Alexander, Frederick Alliance for Youth, stated that they operate out of the Hillcrest Commons Community Center right now and that they have already met with the Housing Authority in hopes of continuing to operate there in conjunction with the proposed project. He stated that they should not have any issues with access under the current situation.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revisions from planning staff.

PLANNING COMMISSION ACTION PER MODIFICATION SECTION 607(c)(4):

MOTION: Commissioner Bokee moved to approve modification per §607(c)(4) to allow a joint-use parking area in accordance with the provisions outlined as read into the record by staff.

SECOND: Commissioner Stup.

VOTE: 5-0.

PLANNING COMMISSION ACTION PER MODIFICATION SECTION 607(f)(2):

MOTION: Commissioner Bokee moved to approve modification §607(f)(2) for the required 30' setback between parking areas as read into the record by staff.

SECOND: Commissioner Stup.

VOTE: 5-0.

PLANNING COMMISSION ACTION PC11-256FSI:

MOTION: Commissioner Bokee moved to approve final site plan PC11-256FSI with the seven conditions to be met in less than 60 days and the two conditions to be met in greater than 60 days and less than one year as read into the record by staff.

SECOND: Commissioner Stup.

VOTE: 5-0.

Meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Carreanne Eyer
Administrative Assistant

APPROVED 09-12-2011