

Planning Commission Hearing Minutes
DATE: March 20, 2017

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas - Chair		Gabrielle Collard, Division Manager of Current Planning
Arlene Perkins – Vice Chair		Cherian Eapen, Traffic Engineer
Kelly Russell – Alderman & Secretary		Scott Waxter, Assistant City Attorney
Ron Burns		Pam Reppert, City Planner
Katie Isaac		Grace Bogdan, City Planner
Alan Imhoff – Alternate		Tierre Butler, City Planner

I. ANNOUNCEMENTS:

Ms. Collard announced that on March 22nd the City is hosting a public meeting at the Visitors Center to discuss the East Street Corridor Plan from 6-8pm.

II. APPROVAL OF MINUTES:

Approval of the **February 10, 2017** Pre-Planning Commission Minutes as amended:

MOTION: Commissioner Perkins
SECOND: Commissioner Burns
VOTE: 5-0.

Approval of the **February 13, 2017** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Perkins
SECOND: Commissioner Burns
VOTE: 5-0.

Approval of the **February 21, 2017** Planning Commission Workshop Minutes as amended:

MOTION: Commissioner Perkins
SECOND: Commissioner Burns
VOTE: 5-0.

Approval of the **March 10, 2017** Pre-Planning Commission Minutes as amended:

MOTION: Commissioner Perkins

SECOND: Commissioner Burns

VOTE: 5-0.

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. PC16-1012FSU, Final Subdivision Plat, Millie’s Delight

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns motioned to approve the consent agenda.

SECOND: Commissioner Perkins.

VOTE: 5-0

II. CONTINUANCES:

B. PC16-965FSI, Final Site Plan, Renn Property, Commercial Lots 2003 and 2004

C. PC16-966FSI, Final Site Plan, Renn Property, Multifamily Lots 2006 and 2007

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to continue PC16-965FSI, Final Site Plan, Renn Property, Commercial Lots 2003 and 2004 and PC16-966FSI Final Site Plan, Renn Property, Multifamily Lots 2006 and 2007 to the April 13, 2017 Planning Commission Meeting.

SECOND: Commissioner Burns

VOTE: 5-0

V. OLD BUSINESS:

D. PC16-1013ZMA, Zoning Map Amendment, 200 E 2nd Street, The Visitation Academy

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns motioned to send a positive resolution from the Planning Commission to the Mayor and Board of Aldermen for the rezoning of the property at 200 E 2nd Street in order to remove the Institutional (IST) floating zone and to reinstate the base zoning of Downtown Residential (DR) on the Property while maintaining the Historic Preservation Overlay (HPO), finding that the request implements the policies of the Comprehensive Plan.

SECOND: Commissioner Perkins

VOTE: 5-0

E. PC16-561ZMA, Zoning Map Amendment, Walnut and Locust Street and Linden Avenue Properties

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins motioned to send a positive resolution from the Planning Commission to the Mayor and Board of Aldermen for application PC16-561ZMA based on the findings that the request to rezone the Properties at Walnut Street, Locust Street and Linden Avenue to R6 while maintaining the HNO is consistent with the Comprehensive Plan and that a mistake in the rezoning of the residential properties from R-3 to General Commercial (GC) was made during the 2005 Comprehensive Rezoning

SECOND: Alderman Russell

VOTE: 5-0

VII. NEW BUSINESS:

F. PC17-49FSI, Final Site Plan, City of Frederick Stormwater Pumping Station #4

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to approve PC17-49FSI for the upgrade of the existing Stormwater Pumping Station #4 based on modifications to the plan to reflect the recommendations of the Planning Commission and changes as provided as Exhibit 1 and Exhibit 2.

SECOND: Commissioner Isaac

VOTE: 5-0.

G. PC16-615PSU Preliminary Subdivision Plat, Renn Property

H. PC16-616FSI, Final Site Plan, Renn Property

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

PLANNING COMMISSION ACTION SECTION 611:

MOTION: Commissioner Perkins moved for approval of a modification to Section 611 *Street Improvement Standards* to reduce centerline radius to less than 90 degrees finding that Pentonville Pass provides for a 25' inside curb turning radius required by the Fire Department at the road intersection, finding that:

- A. The property is subject to unusual conditions that make it impracticable or undesirable to insist upon strict adherence as a mixed used project design for higher density and modifiable dimensions; and
- B. The modification does not conflict with the general purpose and intent or the regulation subject to modification to assure design safety and emergency vehicle access, and
- C. The modification does not conflict with any provision of the Comprehensive Plan or with the general purpose and intent of these regulations as supported by Chapter 7 Community Character and Design Element.

SECOND: Commissioner Isaac

VOTE: 5-0.

PLANNING COMMISSION ACTION SECTION 601:

MOTION: Commissioner Perkins moved for approval of a modification to Section 601 *Access Management* to reduce separation distance between alleys from 50' finding that Checkerspot Alley and Dairy Barn Alley are 29' apart and needed for the transition in unit types, finding that:

- A. The property is subject to unusual conditions that make it impracticable or undesirable to insist upon strict adherence as a mixed used project design for higher density and modifiable dimensions; and

- B. The modification does not conflict with the general purpose and intent or the regulation subject to modification to assure design safety and emergency vehicle access, and
- C. The modification does not conflict with any provision of the Comprehensive Plan or with the general purpose and intent of these regulations as supported by Chapter 7 Community Character and Design Element.

SECOND: Alderman Russell

VOTE: 5-0.

PLANNING COMMISSION ACTION SECTION 608(e)(5):

MOTION: Commissioner Perkins moved for approval of a modification to Section 608(e)(5) for the percentage of parkland in the 25- and 100-year floodplain areas finding that:

- A. The property is subject to unusual conditions that make it impracticable or undesirable to insist upon strict adherence with land area containing the Carroll Creek its floodway, floodplain and wetlands; and
- B. The modification does not conflict with the general purpose and intent or the regulation subject to modification by providing adequate public use with a section of the Shared Use Path to be constructed in the park, and
- C. The modification does not conflict with any provision of the Comprehensive Plan or with the general purpose and intent of these regulations as supported by Chapter 12 Recreation Element Policy 3 *Develop Greenway Corridors*.

SECOND: Commissioner Isaac

VOTE: 5-0.

PLANNING COMMISSION ACTION SECTIONS 4-8 of LMC:

MOTION: Commissioner Burns moved for approval of PC16-615PSU in accordance with the modified Exhibits 1 and 2 and applicable provisions of Sections 4, 5, 6, 7, and 8 of the LMC and all other provisions incorporated therein, based on the finding that the application is consistent with the 2010 Comprehensive Plan, with the following conditions:

1. Renumber Lots 2001-2008 to follow the other lot numbers sequentially.
2. Provide Post Office approval of mail kiosks locations and verify if an additional location is needed for the south area of the development to serve lots.
3. Add to note 35 the modification request for Street Tree Landscaping to relocate missing trees from one street to another street.
4. Finalize phasing plan with Engineering and Planning staff approval.
5. Correct location of bus shelter pad as requested by County Transit. Add a note to the plan that *"the Applicant shall work with County Transit through improvement plans to locate possibly more bus locations to serve the development."*

6. Revise plan to depict connection of Ventnor Road to Monroe/Hughes Ford and the surrounding lot layout as presented to the Planning Commission on the exhibit provided at the March 20th meeting.
7. Add a note to the plan that fire hydrant locations shall be finalized at improvement plan stage.
8. Edit Signage note 19, that any proposed signage in the public right-of-way will be subject to ROW encroachment agreement with the City.
9. Add note that *"The proposed stamped asphalt treatment at intersections and over crosswalks shall be reviewed at the improvement plan stage so as to maximize the effectiveness of the treatment and minimize maintenance."*
10. Sheet 4, correct street names under road details by adding missing street names and delete streets no longer on the plan.
11. Correct Monroe Avenue as name of road and delete the () and the name Hughes Ford Road below.
12. Address all applicable Engineering conditions attached to staff report.

SECOND: Commissioner Perkins

VOTE: 5-0.

PLANNING COMMISSION ACTION SECTION 605(F):

MOTION: Commissioner Perkins moved for approval of a modification to Section 605(f) *Street Tree Landscape Requirements* finding that:

- A. The modification is not contrary to the purpose and intent of the Code to provide a total number of trees;
- B. The modification is consistent with the Comprehensive Plan Environment Element Policy 1 to preserve and increase the tree canopy within the developed areas of the City; and
- C. That the compensating feature is that the total number of streets required overall is provided and the requested modification only allows for the redistribution.

SECOND: Commissioner Isaac

VOTE: 5-0.

PLANNING COMMISSION ACTION SECTION 607, TABLE 607-1:

MOTION: Commissioner Perkins moved for approval of a modification to Section 607, Table 607-1, *the Parking Schedule*, for off-site parking for the 16' wide townhomes that have tandem parking and therefore, require an additional ½ space per unit, which will be provided on the streets finding that:

- A. The modification is not contrary to the purpose and intent of the Code as the required parking numbers are satisfied by on-street parking.

- B. The modification is consistent with the Comprehensive Plan Municipal Growth Element Policy 2 and Housing Element Policy 5 to encourage the development of compact residential neighborhoods that may allow a higher density and reduction of parking or setbacks.
- C. That the compensating feature is the provision of on-street parking spaces.

SECOND: Commissioner Isaac

VOTE: 5-0.

PLANNING COMMISSION ACTION SECTION 608(F)(3):

MOTION: Commissioner Perkins moved for approval of Pursuant Section 608(f)(3) of the LMC, Staff recommends approval for the Applicant to receive credits towards their parkland impact fee comparable to value of improvements to be made to the dedicated parkland area as determined by the Mayor and Board, based on this as regional park serving residents beyond the proposed development

SECOND: Alderman Russell

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for unconditional approval of the final site plan for the Renn Property, PC16-616FSI in accordance with modified Exhibits 1 and 2 and the applicable provisions of Articles 4, 6, 7, and 8 of the LMC and all other provisions incorporated therein, based on the findings that the site plan is consistent with the approved master plan, that site is adequately served by public facilities, and that the application complies with Chapter 19 of the City Code pertaining to MPDUs .

SECOND: Commissioner Perkins

VOTE: 5-0.

I. PC16-793PECP, Preliminary Forest Conservation Plan, Renn Property

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to approve the modification request to remove the 14 specimen trees, based on DNR having no objection, the declining health conditions of the trees, the limited impact on water quality in accordance with Section 721(b)(3).

SECOND: Commissioner Isaac

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to support a positive recommendation to the Mayor and Board of Aldermen to plant afforestation in the proposed dedicated parkland, based on the land containing floodplain and wetlands and consistent with the Mayor and Board of Aldermen conditions for rezoning of the property.

SECOND: Commissioner Isaac

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve Preliminary Forest Conservation Plan PC16-793PFC for 21.87 acres of planting and 11.37 acres of street tree credit towards total 33.24 acres of forest requirement, based on compliance with Section 721 and all other applicable sections of the LMC, with the following conditions to be met:

1. Delete note as follows: "Pursuant to note 2 . . . Plan phase."
2. Add a note that full landscape credit may be an option as part of satisfying the required planting and to be finalized with the Final Forest Conservation Plan.

SECOND: Commissioner Perkins

VOTE: 5-0

J. PC17-50ZMA, Zoning Map Amendment, 200 E 16th Street

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

PLANNING COMMISSION ACTION:

This is the first of two required public hearings on the request for rezoning and a second hearing will be held on April 10, 2017 at which time the Planning Commission can make a recommendation to the Mayor and Board of Aldermen.

Commissioner Perkins asked if it was possible to reschedule the April 10th PC Hearing to another date during that week. April 10th is the first night of Passover. All Commissioners and Staff agreed that Staff would look at the Board room schedule and follow up.

Meeting approximately adjourned at 7:40pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant