

Planning Commission Hearing Minutes
DATE: June 12, 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		Matt Davis, Division Manager of Comprehensive Planning
Alan Imhoff – Alternate		Jessica Murphy, Administrative Assistant

I. ANNOUNCEMENTS:

Ms. Collard advised the Planning Commission and the public that the Workshop Agenda with attachments would be available online Tuesday June 13th, 2017.

II. APPROVAL OF MINUTES:

Approval of the **May 8, 2017** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Perkins

SECOND: Commissioner Burns

VOTE: 4-0. Commissioner Nicklas Abstained.

Approval of the **May 15, 2017** Planning Commission Workshop Minutes as amended:

MOTION: Commissioner Perkins

SECOND: Commissioner Burns

VOTE: 4-0. Commissioner Nicklas Abstained.

Approval of the **June 9, 2017** Pre-Planning Commission Minutes as amended:

MOTION: Commissioner Perkins

SECOND: Commissioner Burns

VOTE: 4-0. 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. 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. CONTINUANCES:

- A. **PC16-695PSU, Preliminary Subdivision Plat, Gateway East Plaza**
- B. **PC16-696FSI, Final Site Plan, Gateway East Plaza**
- C. **PC16-697PFCP, Preliminary Forest Conservation Plan, Gateway East Plaza**

MOTION: Commissioner Perkins moved to approve a 30 day continuance for the projects until the July 10th, 2017 Planning Commission Hearing.

SECOND: Commissioner Burns

VOTE: 5-0

VI. MISCELLANEOUS:

- D. **Presentation of the Annual Report**

No Motion Required

- E. **Presentation of the East Street Corridor Small Area Plan**

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

Alan Feinberg, representing East Frederick Rising commented that the Plan was an excellent document but wished that it included more of East Frederick, referencing other development in the area and that it could be considered a “hole in the donut”. He made the point that the City should work quickly to develop guidelines and codes that make it easier for people to do the right thing instead of using suburban style development process that haven’t provided the quality like what is seen in downtown

Frederick. Mr. Feinberg stated the most important thing to do is educate the citizens that not all development is bad. He advised the City needs to give people better options for development.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to send a positive recommendation from the Planning Commission to the Mayor and Board of Aldermen for the adoption of the East Street Corridor Small Area Plan.

SECOND: Commissioner Perkins

VOTE: 5-0

VII. OLD BUSINESS:

VIII. NEW BUSINESS:

F. PC16-698FSU, Final Subdivision Plat, Rosedale, Lots 9A and 10A

Ms. Collard 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 positive recommendation to the Mayor and Board of Aldermen to grant a waiver from the parkland request based on the following findings:

1. The addition of one residential unit does not present a significant burden on the existing parkland in the vicinity in a manner which generates the need for additional land to be dedicated.
2. The two residential lots are within ½ mile of three existing public parks: Rosedale Park, Max Kehne Park, and College Estates Park
3. The Comprehensive Plan does not identify this area as a location for future parks.

SECOND: Commissioner Isaac

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to approve the modification to Section 606 to allow a reversed corner lot on Lot 9A, finding that:

1. The property is subject to unusual conditions that make it impracticable or undesirable to insist upon strict adherence as the existing lot is located within an older subdivision with existing development and the new infill lot would not be possible without modification of Section 606.
2. The modification is consistent with the Community Character and Design Element Policy 2; and

3. The modification would allow new infill development to be located in an area with existing infrastructure and resources such as water, sewer, roads, transit, schools, parkland, and employment and shopping.

SECOND: Commissioner Russell

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to approve the Final Subdivision Plat, PC16-698FSU, finding that it is in conformance with the Comprehensive Plan and all of the applicable sections of the LMC with the following condition:

1. Receive approval from Mayor and Board of Aldermen for the parkland waiver request.
2. That the portion of the existing driveway that extends over the common lot line between Lots 9A and 10A be removed prior to plat recordation and that those areas be backfilled and seeded.

SECOND: Commissioner Burns

VOTE: 5-0

G. PC17-319ZMA, Zoning Map Amendment 27 Franklin Street

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

PLANNING COMMISSION ACTION:

This is the first of two required public hearings.

H. PC17-323ZMA, Zoning Map Amendment, Mt. Olivet Cemetery

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

John Humphries at 437 Center Street is concerned about the rezoning opening up the door for more development on the property. He advised there will be a noise increase with construction. Mr. Humphries doesn't agree with the road design proposed and feels the entrance and exit should be put on New Design Road, but advises there would still be a traffic problem. He also noted that with having a senior living center that emergency vehicle traffic will increase. Mr. Humphries also advised crime will increase and is concerned that with the current problems that exist adding more homes will only cause more issues. Mr. Humphries asked the Commission to table the case to a later time to allow public facilities to catch up with the other projects already underway in the City. He also advises there are a lot of street repairs on his road that need to be addressed. He would like to see the Commission table the project for a few years.

Jeanie Kelly at 439 Center Street has been a resident in the City for 21 years. She advised that traffic is already terrible in the area and the roads can't handle any more traffic. The roads need to be fixed when turning off of Jefferson Street to Prospect or Pearl Street; she advised there are huge dips in the road. Ms. Kelly's main concern is traffic and the speed of the traffic currently in the area. She has grandchildren that can't play in the yard because of the traffic.

Andrew Roy 354 Catoctin Ave is concerned about who will take care of the Cemetery when Mt. Olivet reaches its critical mass. He asked who would be responsible for the property. He urges the Commission to look beyond the 20-year plan and look at 50, 60 and 70 years.

Darlene Williams who lives on Prospect Blvd and has been a resident for 27 years has concerns about increased traffic. She advised when she tries to pull out of her driveway she has to wait for 10 or so cars before they are fully able to get onto the roadway. Mrs. Williams asked with the development that is proposed where the increased traffic will go. She advises currently people park their vehicles on the curb so they are not damaged by ongoing traffic.

Jennifer Zimmers at 437 Carrollton is concerned about increased traffic. She rides a motorcycle and advises it's already difficult to get around corners and drive on the roads with the traffic that already exists. She adds that a pothole might not be fatal for a vehicle, but it can be for someone riding a motorcycle.

PLANNING COMMISSION ACTION:

This is the first of two required public hearings.

I. PC17-315ZTA, Text Amendment, Section 306, Text Amendments and Map Amendments and Section 423, Historic Preservation.

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

Bruce Dean with Linowes & Blocher commented that the draft text amendment applies to property's that have a floating zone removed. He stated it would be retroactive for a current application. Mr. Dean's Client would like to put on the record that if there are any major changes to the text amendment regarding the process for removing a floating zone, that the change not be made retroactive in regards to their current application for Mount Olivet.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to send a positive a resolution to the Mayor and Board of Aldermen for approval of the amendments to Section 306 and 423 of the LMC as contained in the draft ordinance.

SECOND: Commissioner Perkins

VOTE: 5-0

J. PC17-128ANX, Renn Properties- Gas House Pike

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

Kris Gnuschke who resides at 9618 Bethel Road, but is representing his Mother Linda Gnuschke who resides at 8804 Gas House Pike. He advised his mother is directly impacted by the annexation. She has lived at her residence for 35 years with her family. He advised that a lot of the farm properties he would work on in the area are now Golf Courses, industrial supply or buildings. Mr. Gnuschke advised as those types of uses are getting closer to his mother's home it's starting to get uncomfortable. He advised that a 50ft buffer is not going to be enough to serve the purpose. He stated the request to widen the road way would end up taking part of his mother's front yard and that he and his mother are not in support of the project and advise that their property is not desirable to sell with an unknown future and with his mother being on a fixed income it's difficult to make improvements.

Charlie Weakley at 9203 Gas House Pike. Mr. Weakley is against the project. He advised he feels asking for a 150ft buffer is now not enough considering the applicant is willing to give the Mercers a 60 acre buffer. He advised that he feels the Commission has also now a lot more to worry about with sewer and road issues. He urges the Commission to consider the largest buffer possible to his property and feels the industrial park will seriously impact the value of his property.

Dan Eigenbrode at 8832 Gas House Pike. Who has been a resident for 22 years advised that if everything stays the same as it is now with the surrounding property then he is happy. However, if what is being proposed happens he will not be pleased. He doesn't like the uncertainties and not knowing the timeline for the project. At this time he is opposed.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to send a positive resolution from the Planning Commission to the Mayor and Board of Aldermen for approval based on the following findings:

1. That an avigation easement be established that includes the terms under which existing obstructions will be removed.
2. That the sanitary sewer service to the Property will either be provided by the City through a privately constructed and maintained pumping station or by the County in accordance with amendments to the Central Frederick Sewer Service Area Agreement (CFSSAA).
3. That a road connection be provided from Gas House Pike through the south portion of the Property facilitating a future potential connection to Linganore Road unless documentation is provided to the satisfaction of the City Engineering Staff that based on accepted engineering and/or traffic analysis the connection is not possible or desirable.
4. That Paragraph 8(i) be revised so that the improvements to Gas House Pike either be advanced to coincide with development of the Property in a manner that provides adequacy or that an interim improvement be identified up to a specified level of development, thereafter the full improvements will be required. In the event that the owner/developer provides a surety in lieu of construction of the Gas House Pike improvement, that surety will remain with the City up to five years after the final occupancy permit has been issued.

5. That Paragraph 8(i), which obligates the City to require any property owner benefitting from improvements made by the Petitioner along Gas House Pike to reimburse the Petitioner, or then owner, be removed from the resolution.
6. That Paragraph 8(iii) be revised to indicate that any money paid as part of the Regional Road Improvement Contribution should be credited towards any other offsite road improvements identified through the development review process and that the last sentence of this paragraph be deleted.
7. That Paragraph 10(ii) be revised to eliminate the proposed exemptions from the standard subdivision process and the allowance of the panhandle length.
8. That a landscaping buffer greater than 50' in width be established and maintained along the boundaries of Lots 1 and 2 that front along the north side of Gas House Pike as long as the properties remain in residential use.
9. That the landscaping buffer along the eastern edge of Parcel 47 on the south side of Gas House Pike be a minimum of 50' in width and the area of that buffer not take into account the width of the driveway.
10. That the Mayor and Board may consider restricting development in the area surrounding and to the north of Addison Branch through the resolution by requiring, it to be designated as open space and to the maximum extent possible, used for forest mitigation.

SECOND: Commissioner Russell

VOTE: 3-2. (Commissioner Isaac and Commissioner Burns Opposed)

Meeting approximately adjourned at 11:00pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant