

**Planning Commission Hearing Minutes**  
**DATE: October 09, 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		Tierre Butler, City Planner
Alan Imhoff – Alternate		Grace Bogdan, City Planner
		Jessica Murphy, Administrative Assistant

**I. ANNOUNCEMENTS:**

Ms. Collard advised the Planning Commission and the public that the Workshop Agenda with attachments are available online for the workshop scheduled for Monday October 16, 2017 at 2pm in the Municipal Annex Building.

**II. APPROVAL OF MINUTES:**

Approval of the ~~September 11, 2017~~ **September 11, 2017** Planning Commission Meeting Minutes as amended:

**MOTION: Commissioner Perkins**

**SECOND: Commissioner Burns**

**VOTE: 5-0.**

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Approval of the **September 18, 2017** Planning Commission Workshop Minutes as amended:

**MOTION: Commissioner Perkins**

**SECOND: Commissioner Burns**

**VOTE: 5-0.**

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Approval of the **October 6, 2017** Pre-Planning Commission Minutes as amended:

**MOTION: Commissioner Perkins**

**SECOND: Commissioner Isaac**

**VOTE: 5-0.**

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**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”*

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**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. PC17-740PFCP, Preliminary Forest Conservation Plan, West Park Village**

**MOTION:** Commissioner Burns moved for unconditional approval of PC17-740PFCP preliminary forest conservation plan for West Park Village.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**V. CONTINUANCES:**

**B. PC17-719ZTA, Text Amendments, Section 405, Bulk and Dimensional Requirements, Building Heights**

**MOTION:** Commissioner Perkins moved to approve a 30 day continuance for PC17-719ZTA until the November 13, 2017 Planning Commission meeting.

**SECOND:** Commissioner Burns

**VOTE:** 5-0

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**VI. MISCELLENEOUS:**

**C. PC17-806PCM, Fence Modification, Waverley View**

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 to approve the amendment to the previously approved modification for the construction of a vinyl fence, 3' in height along public right-of-ways, based on compliance with the modification criteria established under Section 309(j) and Section 821(d) of the LMC and plan as presented, including the removal of the fence line along Schaffer Drive and the private BOE drive.

**SECOND:** Commissioner Isaac

**VOTE:** 5-0

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**VII. NEW BUSINESS:**

**D. PC14-1038FSI, Final Site Plan, Monocacy Lot 16**

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

Scott Enix of 1711 Woodruff Way (Main Farm) is concerned about traffic and advised that it is terrible and is bumper-to-bumper. Mr. Enix advised there have been multiple accidents at the intersection where Wal-Mart was previously. He advised the condos at Monocacy Center were approved with a site plan that did not allocate for visitor parking for 177 condos and residents are parking on Laurel Wood Way. Mr. Enix advised the Commission that a stop light needs to be added to the intersection. There are also concerns with the noise in the shopping centers, because there already is a current problem with noise at Giant.

Debra Summers -Enix of 1711 Woodruff Way (Main Farm) has concerns about the dumpster loading being on her road where residents already currently park leaving no room to pass. Ms. Summers-Enix also has concerns about flooding. She feels that there are already plenty of shops in the area. There are also concerns about traffic and continued accidents. She feels the road should be widened and a traffic light should be put in. Ms. Enix advised putting a shopping center on the corner is not going to be good for their neighborhood and there is already too much traffic.

Felacita King HOA President for Main Farm, has concerns about traffic especially more commercial traffic. She advised they already have trouble with people cutting through their neighborhood. Ms. King also advised the condos were not built with visitor parking and all of the additional parking goes on Laurel Wood Way. She advised their biggest concern is the Monocacy traffic, because it's already difficult to make it out of the neighborhood as it is and increased traffic would make it worse.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to approve the following modification to Section 607, *Parking and Loading Standards*, Table 607-5 to reduce the Level IV screening requirement for loading areas within 100' of residentially zoned properties finding:

1. The modification is not contrary to the purpose and intent of the Code as the Applicant has provided the maximum amount of screening possible while still making reasonable use of the Property consistent with the GC zoning district and based on the limited use of the adjacent residentially zoned property, which is HOA open space and predominately floodplain.

2. The modification will enable an environmentally constrained site to avoid further disturbance to the floodplain while providing a viable use of the property consistent with the GC zoning district which is consistent with the Environment Element, Policy 2 and the Municipal Growth Element, Policy 1.
3. The site's landscaping goes beyond the standards required by Section 605 of the LMC as a compensating feature to meet the overall objectives of the Land Management Code.

**SECOND:** Alderman Russell

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to approve the modification to *Section 607, Parking and Loading Standards*, and *Section 863, Shopping Center Standards*, to reduce the parking lot setback to less than 25' along Monocacy Blvd and Laurel Wood Way with the following 3 findings:

1. The modification is not contrary to the purpose and intent of the Code as landscaping and site amenities are being provided to minimize the visual impact of the parking from the streetscape and to promote pedestrian access.
2. The modification will enable an environmentally constrained site to avoid further disturbance to the floodplain while providing a viable use of the property consistent with the GC zoning district which is consistent with the Environment Element, Policy 2 and the Municipal Growth Element, Policy 1.
3. The Applicant has included interior parking lot landscaping in excess of what is required by the Code in addition to the screening requirements for parking lots

**SECOND:** Alderman Russell

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Alderman Russell moved to approve the APFO requirement waiver for Section 411(b) (1) for road adequacy at the Maryland Route 26 and Monocacy Boulevard and at Monocacy Boulevard and Riverbend Way with the following findings.

1. Mitigation cannot be provided without impacts on existing structures and property based on the finding that this is consistent with the similar waiver granted by the nearby Frederick Crossing Development.

**SECOND:** Commissioner Burns

**VOTE:** 4-1 (Commissioner Perkins Opposed)

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved to approve the final site plan PC14-1038FSI for Lot 16, Monocacy Boulevard in accordance with 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 adequately served by public facilities and consistent with the Comprehensive Plan with the following conditions to be met:

1. Revise the subdivision plat reference in Note 4 to read PB80, Page 196.
2. Revise Note 21 to include the issuance dates for the certificate of sewer line adequacy (CAPF-SL) and roads (CAPF-R).
3. Label the 6" check valve that feeds the waterline on the north and west side of the building.
4. Revise Note 19 to include the subdivision plat case number PC15-711FSU.
5. Show and provide a crosswalk across Laurel Wood Way and remove the labels on sheet showing crosswalks across Monocacy Blvd.
6. The easement for a future TransIT shelter at the intersection of Monocacy Blvd. and Laurel Wood Way must be recorded and the recording references added to Sheets 1 and 2
7. Address the outstanding comments on the Traffic Impact Study as detailed in the letter dated 9/29/2017.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**E. PC15-992FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Lot 16 Monocacy Boulevard**

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 to approve PC15-992FSCB with the requirements of Section 721 of the Land Management Code, subject to the following condition:

1. Revise the project number in the title block to PC15-992FSCB.

**SECOND:** Commissioner Isaac

**VOTE:** 5-0

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**F. PC17-524FSI, Final Site Plan, 499 W. Patrick Street**

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

Kenneth Harris of 599 W. South Street, President of Davidus Cigars. Mr. Harris advised he had a signed petition with 20 signatures of residents and business owners that have concerns about the project. He advised that the concerns stem around the project being for low-income housing as there are already some in the area and doesn't know if this a needed operation. Mr. Harris advised the view of the mountains from his property will be gone if the project moves forward. He also had concerns about the look of the property matching the historic look of the other buildings close by. Mr. Harris feels that if

indeed the project is for low-income housing, he doesn't feel they will be frequenting the stores close by. He doesn't know how the low-income housing will support the businesses in the area. Mr. Harris also has concerns about parking and where guests and residents will park. He is also concerned about adding more traffic.

Bertram Edmonston of 460 W. Patrick Street, President of Gold Thumb Jewelry Creations has major concerns about how tall the building is going to be and how it will affect the neighborhood. He is also concerned about the added traffic. He advised during prime travel traffic the road is always backed up in front of his shop. Mr. Edmonston stated first responders already have a difficult time getting through the intersection when it's backed up. He feels the median that would go on W. College Terrace is going to make traffic even worse and is concerned how you would have two lanes if a median is put in. Mr. Edmonston has concerns that the development will bring added trespassers and that there will be undesirable activities occurring near a school.

Gary Jackson of 209 Lindberg Ave advised that based on his development background, this project won't work and is dependent on too many "giveaways". He advised that residents will have more than one car, which will lead to people parking at his business and doesn't understand what additional parking options there will be.

Walter Mills who owns a business on W. Patrick Street feels this is the wrong project at the wrong place. He feels the lot is not the best lot for the apartments. He doesn't feel the project fits the mold of where W. Patrick Street needs to go and the gain does not outweigh the risk.

Mark Long who is on the Frederick County Affordable Housing Counsel advised there role is to advocate and develop policy for affordable housing in Frederick County. Mr. Long didn't directly address concerns about the project, but wanted to explain about affordable housing in the County. He advised there is a need for affordable housing. He explained the type of residents you may see in affordable housing, that they will be normal everyday folks that everyone knows that may just happen to make a little less money than median income in the area. He stressed that the need is very great in the area. He also advised that the way affordable housing is accomplished is because of incentives and "giveaways," because it can't be done without them.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to approval of the modification to Section 601, Table 601-2 to reduce the spacing between the proposed entrance and the existing entrance to the north to approximately 20' finding that:

1. The modification will not be contrary to the purpose and intent of the Code as the provision of a 3ft wide median along W. College Terrace will regulate the movement of traffic entering and exiting the site to right in/right out access only thereby balancing the need for access to private property as well as the need to preserve an adequate level of capacity on City streets.
2. The modification is consistent with the Municipal Growth Elements of the 2010 Comprehensive Plan.
3. The 3ft median provides a compensating design feature so as to meet the overall objectives of the entrance spacing standards.

**SECOND:** Alderman Russell

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to send a positive recommendation to the Mayor and Board of Aldermen for a waiver of the parkland dedication requirements in accordance with Section 608 of the LMC based on the finding that additional parkland in this vicinity is not recommended by the 2010 Comprehensive Plan and that the proposed private amenities are reasonably functional to serve the new development.

**SECOND:** Commissioner Burns

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to approve approval of the Final Site Plan, PC17-524FSI, for the proposal to construct a 42-unit multifamily building based on compliance with all of the applicable criteria of Articles 4, 5,6,7,8, and 12 of the LMC and consistency with the 2010 Comprehensive Plan with the following conditions:

1. The Applicant must execute a school construction payment agreement.
2. The Applicant must either receive a positive recommendation from Planning Commission and approval from the Mayor and Board for the waiver request of the parkland dedication requirements of Section 608 or pay the fee in lieu of payment in accordance with Section 608 prior to unconditional site plan approval.
3. Final Plat STF17-525FSU to consolidate Parcels A and B must be recorded.
4. The Applicant must add a note to the plan stating that prior to building permit issuance an MPDU Agreement will be executed in accordance with Chapter 19 of the City Code.
5. The fencing detail on Sheet 2 must be labeled to include the height and a notation must be added which indicates that signage will be provided limiting use to tenants only.
6. That the median be reduced to 3ft in width.

**SECOND:** Alderman Russell

**VOTE:** 4-1 (Commissioner Burns Opposed)

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**G. PC16-248PSU/PC16-249FSI Combined Preliminary Subdivision Plat and Final Site Plan, Kellerton Land Bay B**

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

Kristin Ostruwski of 5732 Etzler Road has concerns about the increased light pollution in Frederick's rural spaces. She asked if the development would have street lighting and if the lighting would be shielded to prevent light pollution and if they would be on a dimmer to decrease light output. She is also concerned about increased traffic and wanted to know what road improvements there would be to improve traffic

flow and safety and if any improvements will be made to Christopher's Crossing. Ms. Ostruwski is also concerned with the tree and shrub plantings around the forest conservation, homes and parkland to make sure they are bee, bird and wildlife friendly. She also asked if a permeable material could be used for driveways.

Brooke Decanis of 6097 Fountain Drive and has concerns about the entrance of the project being to the back of her property especially with having young children and concerned about general safety. Ms. Decanis is concerned about traffic and advised the one roundabout is not going to be enough and that Rocky Springs Road is particularly dangerous. She also has concerns about the schools being rezoned with the new development coming.

Scott Murphy of 5720 Korrell Lane and moved to the area for the wildlife, the parks and farm land. He is concerned about the development destroying the habitats for the wildlife.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to approve the modification to Section 611(k) (1), *Street Improvement Standards* to allow cul-de-sacs beyond 350 feet located on Street I and Street E based on the following findings:

- 1) Street I is encumbered by an adjacent stream crossing and other environmental conditions that make a street connection undesirable; and
- 2) Street E and the surrounding area has been designed to accommodate the required stormwater management, and is subject to the Kellerton Master Plan that has provided safeguards such as street connectivity minimums that mitigate the modification; and
- 3) The modification does not conflict with the general purpose and intent of the of the regulation as both streets have been designed to accommodate Fire and Rescue Services and are limited in units; and
- 4) The modification does not conflict with any provision of the Comprehensive Plan and supports Land Use Element Policy 2 which promotes new development to incorporate environmental resources as site amenities, as a pedestrian pathway will connect Street I to the rest of the development through the stream crossing as a site amenity.

**SECOND:** Commissioner Isaac

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to send a positive recommendation to the Mayor and Board to allow 13.3 acres of forest conservation easements within the parkland dedication area.

**SECOND:** Commissioner Isaac

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**



**MOTION:** Commissioner Perkins moved to approve the request to allow the costs of parkland improvements provided by the Applicant to be credited against any park impact fee for offsite parkland improvements based on the following findings:

- 1) The conceptual plan provided by the Applicant shows parkland improvements that will serve and benefit residents beyond the proposed development.
- 2) This proposal was presented to the Parks and Recreation Commission on December 13, 2016 and recommended the Planning Commission approve the request.

**SECOND:** Alderman Russell

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved to approve PC16-248PSU preliminary subdivision plat for Kellerton Land Bay B, in accordance with the 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 and the roads and streets depicted thereon, with the following conditions:

- 1) Revise Note 16 on the Cover Sheet to be consistent with the text on Sheet 3 in regards to timing, that the architectural elevations should approved by the Planning Commission prior to submittal of building permit.
- 2) Revise Note 16 to state that the architectural elevations will be based on the approved Keller PND Design Guidelines with the additional design element of garage windows for the front loaded townhouse units.
- 3) Revise Cover Sheet to remove description of signage and defer to the LMC Section 864.
- 4) Receive Mayor and Board of Alderman approval to allow approximately 13.3 acres of forest conservation easements in public parkland.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to of the modification to Section 605(f) (2), *Street Tree Planting Requirement* to allow flexibility in the density requirement for street tree placement, finding that

- 1) The modifications will not be contrary to the purpose and intent of the Code as the total number of required street trees will be provided along the streets within the project site boundary and those trees will cumulatively provide an urban street fabric in keeping with the intent of the Code;
- 2) The modifications are consistent with the Land Use Element Policy 11 of the 2010 Comprehensive Plan; and

- 3) The Applicant has provided street trees in excess of the minimum requirement as a compensating feature

**SECOND:** Commissioner Isaac

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to approve of the modification to Section 1113(a) (7), *Landscaping Plan* to allow one tree per lot to be either an evergreen or deciduous tree, finding that

- 1) The modifications will not be contrary to the purpose and intent of the Code as each lot will contain one tree per lot as required which will enhance the natural environment and screen between uses;
- 2) The modifications are consistent with the Community Character and Design Element Policy 2 of the 2010 Comprehensive Plan; and
- 3) No compensating feature is necessary as the requirement of one tree per lot is being met.

**SECOND:** Commissioner Isaac

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to approve approval of the modification to Section 803(g), *Residential Driveways and Parking Areas* to increase the driveway coverage for front loaded townhouses from 30% to 50% and reduce setbacks from three feet to one foot, finding that

- 1) The modifications will not be contrary to the purpose and intent of the Code as the PND standards are designed to provide flexibility and support compact development patterns;
- 2) The modifications are consistent with the Community Character and Design, and Housing Element of the 2010 Comprehensive Plan; and
- 3) The Applicant will provide garage door windows as compensating features to reduce the visual impact of the excess pavement in the front yard.

**SECOND:** Commissioner Isaac

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for unconditional approval of final site plan (PC16-249FSI) in accordance with 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

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**H. PC17-699ZTA, Zoning Text Amendment, Section 608, Parks and Opens Space, Infill Development**

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to send a positive resolution for approval of the amendments to Section 608 of the LMC as contained in the draft ordinance based on the findings that the proposed amendments will implement policies of the 2010 Comprehensive Plan and that the changes are consistent with the existing regulations

**SECOND:** Commissioner Isaac

**VOTE:** 5-0

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**Meeting approximately adjourned at 9:50pm**

Respectfully Submitted,

Jessica Murphy  
Administrative Assistant

APPROVED 11/13/2017