

Planning Commission Hearing Minutes
DATE: January 16, 2018

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair Kelly Russell – Alderman & Secretary Alan Imhoff – Alternate	Katie Isaac Ron Burns Arlene Perkins	Gabrielle Collard, Division Manager of Current Planning Cherian Eapen, Traffic Engineer Scott Waxter, Assistant City Attorney Jenny Willoughby, Sustainability Manager Pam Reppert, City Planner Marshall Brown, City Planner Grace Bogdan, City Planner Terre Butler, City Planner Jessica Murphy, Administrative Assistant

I. ANNOUNCEMENTS:

II. APPROVAL OF MINUTES:

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

MOTION: Commissioner Imhoff.

SECOND: Alderman Russell.

VOTE: 3-0.

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

MOTION: Commissioner Imhoff.

SECOND: Alderman Russell.

VOTE: 3-0.

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

MOTION: Commissioner Imhoff.

SECOND: Alderman Russell.

VOTE: 3-0.

Approval of the **January 5, 2018** Pre-Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Imhoff.

SECOND: Alderman Russell.

VOTE: 3-0.

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. PC17-905FSI, Final Site Plan, Fieldpointe Apartments

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved for the approval of final site plan, PC17-905FSI, for the construction of a new clubhouse within the Fieldpointe Apartment complex based on the 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.

SECOND: Alderman Russell.

VOTE: 3-0.

V. CONTINUANCES:

B. PC17-1023ZTA, Text Amendment, Accessory Structures

MOTION: Commissioner Imhoff moved to continue PC17-1023ZTA, Text Amendment, Accessory Structures to the February 12, 2018 Planning Commission meeting.

SECOND: Alderman Russell.

VOTE: 3-0.

C. Plug-In Vehicle Charging Infrastructure Implementation Plan

Ms. Willoughby entered her presentation into the record. There was no public comment on this item.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved for a positive recommendation of the Plug-In Vehicle Charging Infrastructure Implementation Plan to the Mayor & Board of Aldermen.

SECOND: Alderman Russell.

VOTE: 3-0.

VII. NEW BUSINESS:

D. PC17-906FSU, Final Subdivision Plat, Locust Avenue ROW Abandonment

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

PLANNING COMMISSION ACTION FOR ABANDONMENT REQUEST:

MOTION: Commissioner Imhoff moved for a positive recommendation to the Mayor & Board of Aldermen for the approval of the request for abandonment of the portion of Locust Avenue right-of-way depicted on the subject plat per Section 22.22-2 of the City Code.

SECOND: Alderman Russell.

VOTE: 3-0.

PLANNING COMMISSION ACTION OF PC17-906FSU:

MOTION: Commissioner Imhoff moved for the approval of PC17-906FSU for the consolidation of parcels 1 and 2 and the abandoned right-of-way into a single lot as depicted on the subject plat in accordance with Article 5 of the LMC, with the following conditions:

1. That an easement be executed and recorded which grants ingress/egress to the City for the purposes of maintenance, construction, and repairs of City-owned utility lines and that the recording reference for that easement be added to the plat.
2. That an easement be executed and recorded which provides adequate turnaround movement for vehicles on the Property beyond the new terminus of Locust Avenue and that the recording reference for that easement be added to the plat.
3. The Applicant will prepare and submit a Quitclaim Deed for the City to execute.
4. The Applicant should be responsible for the placement of signs at intersection of Locust Avenue and Walnut Street consistent with the requirements of the MUTCD indicating that Locust Avenue terminates in a 'Dead End'.
5. That the Applicant receives approval from the Mayor and Board for the abandonment as proposed.

SECOND: Alderman Russell.

VOTE: 3-0.

E. PC17-327PSU/FSI, Combined Preliminary Subdivision Plat/Final Site Plan, Palmer's Addition

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

Public Comment:

Trish Cunningham a City of Frederick resident commented that there needs to be better parking in the area and with the development.

PLANNING COMMISSION ACTION FOR MODIFICATION TO SECTION 601:

MOTION: Commissioner Imhoff moved for the approval of a modification to Section 601, Table 601-2 to allow a distance of 274 feet and six inches between the property driveway and a local street on Arterial Street finding that:

1. The modification will not be contrary to the purpose and intent of the Code as the type of residential use will have minimal impact on N. East Street.
2. The modification is consistent with the Municipal Growth Element of the 2010 Comprehensive Plan.
3. The location of the driveway at a maximum distance from the intersection with N. Market Street provides a compensating design feature so as to meet the overall objectives of the entrance spacing standards.

SECOND: Alderman Russell.

VOTE: 3-0.

PLANNING COMMISSION ACTION PARKLAND DEDICATION WAIVER:

MOTION: Commissioner Imhoff moved for a positive recommendation to the Mayor & Board of Aldermen for a waiver of the parkland dedication requirements in accordance with Section 608 of the LMC.

SECOND: Alderman Russell.

VOTE: 3-0.

PLANNING COMMISSION ACTION FOR PC17-327PSU/FSI:

MOTION: Commissioner Imhoff moved to approve PC17-327PSU/FSI for the re-subdivision of parcels located at 1606 N. Market Street and 1608 N. Market Street and the construction of four new townhouse units based on compliance with all of the applicable city regulations and requirements of the LMC and consistent with the 2010 Comprehensive Plan with the following conditions:

1. The Applicant must either receive a waiver from the Mayor & Board of Aldermen for the parkland dedication requirements of Section 608 or pay the fee in lieu of payment in accordance with Section 608 prior to unconditional approval.
2. Provide the signature and seal for the registered architect for the landscape plan.
3. Label East 16th Street.
4. Provide a note on the plan that states that a right-of-way encroachment agreement will be executed and recorded prior to building permit issuance.

SECOND: Alderman Russell.

VOTE: 3-0.

F. PC17-621FSCB, Combined Forest Stand Delineation/Preliminary Forest Conservation Plan, Palmer's Addition

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved for the approval of PC17-621FSCB in accordance with the requirements of Section 721 of the LMC with the following condition.

1. The title block to be revised to read, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan.

SECOND: Alderman Russell.

VOTE: 3-0.

G. PC17-800FSU, Final Subdivision Plat, The Commons Of North Market, LLC

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved to approve PC17-800FSU, Commons of North Market LLC in accordance with all applicable criteria of Articles 4,6,7 and 8 of the LMC and consistent with the Transportation Element of the Comprehensive Plan, with the following conditions to be met:

1. Add "Responsible Charge" note to Surveyor's Certification per COMAR regulation Title 9, Subtitle 13, Chapter 6 and Regulation 12.
2. Correct Title typo, "unto" to "into".
3. Show the forest conservation easement area and provide the protective easement recording references on the plat.
4. Add the Final Forest Conservation Plan case number and approval date to Note 7.
5. Show the water and sewer lines to lot(s) either to be installed or abandoned per City Code.

SECOND: Alderman Russell.

VOTE: 3-0.

H. PC17-399FSI, Final Site Plan, Catocin Overlook

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

Public Comment:

Trish Cunningham a City of Frederick resident commented that she feels the code needs to change and have increased provisions, especially, for parking and would like to see at least 2 cars per unit. She advises she would like less development and homes with larger yards. She feels the City should not be developing at the rate it is. Ms. Cunningham is not happy about having additional cars on the road in the area with traffic already being terrible.

PLANNING COMMISSION ACTION FOR MODIFICATION TO SECTION 417(c) (1):

MOTION: Commissioner Imhoff moved for the approval of a modification to Section 417(c)(1), Table 417-2, *Setback for Principal Buildings*, for the maximum front setback of 35' in order to accommodate the location and retain the existing building finding that:

- a) The modification is not contrary to the purpose and intent of the LMC with existing structures along the frontage of North Market Street;
- b) The modification is consistent with the Comprehensive Plan to provide a sense of place and residential supply in urban area; and
- c) The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement by retaining the existing structures along North Market Street and maintaining the historic charm of the site.
- d) Market Street and maintaining the historic charm of the site.

SECOND: Commissioner Nicklas.

VOTE: 3-0.

PLANNING COMMISSION ACTION FOR MODIFICATION TO SECTION 605(d) (2) LEVEL I BUFFER:

MOTION: Commissioner Imhoff moved for the approval of a modification to Section 605(d)(2), Table 605-1, *Buffer Categories and Specifications*, for the required Level I buffer width of 6' along lot lines in order to accommodate the location of the existing building and provide parking finding that:

- a) The modification is not contrary to the purpose and intent of the (LMC) Code to provide the mixed use combination of uses; to facilitate the use of the existing buildings; and provide requirement parking on site;
- b) The modification is consistent with the Comprehensive Plan to reduce the buffers in order to accommodate the location of the existing building and provide parking and retain the historic charm; and
- c) The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement. The retention of the existing buildings requires flexibility to reduce the landscape buffers with the finding that existing tree line does exist to screen the parking and buildings.

SECOND: Alderman Russell.

VOTE: 3-0.

PLANNING COMMISSION ACTION FOR MODIFICATION TO SECTION 605(d) (2) LEVEL II BUFFER:

MOTION: Commissioner Imhoff moved for the approval of a modification to Section 605(d)(2), Table 605-1, *Buffer Categories and Specifications*, for the required Level II buffer width of 10' for parking lots, in order to accommodate the location of the existing building and provide parking finding that:

- a) The modification is not contrary to the purpose and intent of the (LMC) Code to provide the mixed use combination of uses; to facilitate the use of the existing buildings; and provide requirement parking on site;

- b) The modification is consistent with the Comprehensive Plan to reduce the buffers in order to accommodate the location of the existing building and provide parking and retain the historic charm; and
- c) The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement. The retention of the existing buildings requires flexibility to reduce the landscape buffers with the finding that existing tree line does exist to screen the parking and buildings.

SECOND: Commissioner Nicklas.

VOTE: 3-0.

PLANNING COMMISSION ACTION PC17-399FSI:

MOTION: Commissioner Imhoff moved for the approval of PC17-399FSI, Catoctin Overlook in accordance with all applicable criteria of Articles 4,6,7,8 and 12 of the LMC, the 2010 Comprehensive Plan, the adequacy of facilities and services to accommodate the impacts of development, with the following conditions to be met:

1. Correct note 24: Water certificate approval date 10/13/17.
2. Complete Note 27 with Combined FSD/PFC plan approval date.
3. Final Consolidation Plat must be recorded and recording references noted in Note 27.
4. Edit Note 28 to read: The final design of the lane shifts; the respective left turn lanes/storage; the channelizing island for the south driveway (consistent with the City standards), and any reconstructing of the island on N East St at N Market St. as necessary, shall be finalized as part of the Improvement Plans for Catoctin Overlook.

SECOND: Alderman Russell.

VOTE: 3-0.

I. PC14-1043FSCB, Combined Forest Stand Delineation/Preliminary Forest Conservation Plan, Catoctin Overlook

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved to approve PC14-1043FSCB, Catoctin Overlook in accordance with FCA Title 16 and LMC Section 721, with the following conditions to be met:

1. Sheet 1, Note 9, change classification to High Density.
2. Sheet 2, Site Features Note 9, change classification to High Density.
3. Correction Forest Conservation Worksheet, conservation threshold to 20% and .97 acres.
4. Place north arrows on plan sheets.
5. Correct case number in title block to PC14-1043FSCB.
6. Remove 100-year floodplain reference on drawing and from Site Features Note 3, delete the last two sentences.

SECOND: Alderman Russell.

VOTE: 3-0.

J. PC17-719ZTA, Text Amendment, Section 405, Building Heights

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

Public Comment:

Trish Cunningham a City of Frederick resident was very upset that it has been so long and nothing has been put in place to help with this issue. She advised that notifications should be mailed and residents notified about things happening in their community. Ms. Cunningham agrees with the applicant in reference to building heights and wants to know how the larger homes in downtown Frederick got approval to be built. She advised the codes not working and it needs to be fixed. She urges the Planning Commission do something to protect the neighborhoods.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved to recommend denial of the resolution to the Mayor and Board of Aldermen, to not support the current proposed amendment to Section 405, based on the narrow scope of those amendments. The Planning Commission will draft a letter to the Mayor & Board of Aldermen to recommend this issue be made a priority.

SECOND: Alderman Russell.

VOTE: 2-1. (Commissioner Nicklas opposed)

Meeting approximately adjourned at 8:20 pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant