

**Planning Commission Hearing Minutes**  
**DATE: August 13, 2018**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair	Arlene Perkins – Vice Chair	Joe Adkins, Deputy Director of Planning/ Community Development
Kelly Russell – Alderman & Secretary	Katie Isaac	Gabrielle Collard, Division Manager of Current Planning
Ron Burns		Scott Waxter, Assistant City Attorney
Alan Imhoff – Alternate		Pam Reppert, City Planner
		Tierre Butler, City Planner
		Jessica Murphy, Administrative Assistant

**I. ANNOUNCEMENTS:**

Ms. Collard made the following announcements about upcoming events and opportunities:

- The Workshop Agenda with attachments are available online for the workshop scheduled for Monday August 20, 2018 at 2pm in the Municipal Annex Building.

**II. APPROVAL OF MINUTES:**

Approval of the **July 9, 2018** Planning Commission Meeting Minutes as amended:

**MOTION: Commissioner Imhoff**

**SECOND: Alderman Russell**

**VOTE: 4-0.**

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Approval of the **July 16, 2018** Planning Commission Workshop Minutes as amended:

**MOTION: Commissioner Imhoff**

**SECOND: Alderman Russell**

**VOTE: 4-0.**

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Approval of the **August 10, 2018** Pre-Planning Commission Minutes as amended:

**MOTION: Commissioner Imhoff**

**SECOND: Alderman Russell**

**VOTE: 4-0.**

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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.)

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**V. NEW BUSINESS:**

**A. PC18-488FSI, Final Site Plan, Ballenger Creek Center PND, Lot 2C**

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of the modification to Section 605 to eliminate the 6ft wall or hedge requirement of the Level II screening finding that:

- a. The modification will not be contrary to the purpose and intent of the Code because the combination of fencing and tree planting provides an effective visual barrier;
- b. The modification is consistent with the 2010 Comprehensive Plan in that it is compatible with the character of the surrounding area.
- c. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement because the site provides more tree plantings than required by the LMC.

**SECOND:** Commissioner Imhoff

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for conditional approval of the Final Site Plan, PC18-488FSI, to construct a trucking office, storage, and repair shop with a fueling station and associated parking 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 condition:

1. That the lighting plan and landscaping plan be revised so that lighting fixture locations are consistent and do not conflict with proposed landscaping.
2. Revise Note 20 to include the case number for the initial archeological assessment (ARCI-118-49).

**SECOND:** Commissioner Imhoff

**VOTE:** 4-0

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**B. PC18-475PFCP, Preliminary Forest Conservation Plan, Rock Creek Stream Restoration**

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

Ginny Brace of 1604 Rock Creek Drive advised residents in the community like walking in the shade and utilize the abandoned sewer line easement. She would like to see a 10 ft. wide access remain along the sewer line.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of the Preliminary Forest Conservation Plan (PC18-475PFCP) for the Rock Creek Stream Restoration project, in accordance with the LMC Section 721 and the MD Forest Conservation Act, with the following condition to be met:

1. Delete in the Tree Protection Fence notes "the blaze orange or blue plastic mesh" and "the plastic mesh fence" and replace with "turkey wire protection fence".

**SECOND:** Commissioner Imhoff

**VOTE:** 4-0

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**C. PC18-401PSU, Preliminary Plat, Belle Air**

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

Alan Rohrer of 128 Waterland Way has concerns about traffic and traffic patterns with the Belle Air project. He advised getting out on Key Parkway can be very difficult.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of the Belle Air Farm Preliminary Plat (PC18-401PSU) in accordance with Sections 504 and 507 and the approved PND Master Plan, with the conditions to be met:

1. Add a note that appropriate authority approvals will be obtained prior to demolition of the tenant houses.
2. Add to Note 10 that two new replacement structures will comply with single family class B elements.

3. Correct typo in Preliminary Plat PC15-397PS4 to PC15-397PSU.
4. Add a note that "the Applicant shall comply with all State and/or local permits for floodplain development." Provide CLOMR application number.

**SECOND:** Commissioner Imhoff

**VOTE:** 4-0

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**D. PC18-479ZMA, Zoning Map Amendment, 401 Linden Avenue**

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

Richard Cody of 7401 Round Hill Road who represents Clustered Spires Cemetery advised that on the 4<sup>th</sup> of July there are a lot of people watching the fireworks and there has never been a traffic problem. He doesn't see any problem with traffic for funerals or visitation with the change in zoning.

Matthew Greene of 1101 Poplar Street doesn't feel that the Cramer property is attached to the properties that are zoned high density as there is not access to those properties from the Cramer property and doesn't feel there has been a mistake in zoning. He requested that the zoning stay at R6 and as he has no desire to live in an apartment complex.

Jeremy Bruno of 201 Linden Avenue advised that this is his first home purchased and doesn't want to see an apartment complex in the neighborhood.

Larry Dawson of 206 Hoke Place who has lived there for 30 years advised the neighborhood hasn't changed at all. Mr. Dawson would like the neighborhood to stay the same.

Kim Loop of 906 Chestnut Street asked how the developer came up with R16 as being the correct zoning for the parcel. Ms. Loop advised she hasn't seen or heard anything that would indicate a mistake in zoning. She advised the community is low density and wants the character of the neighborhood to stay the same. She advised that there a lot of people that do watch fireworks from the Cemetery, but not everyone drives and she doesn't feel that's a factual argument.

Scott Forman of 501 Linden Avenue had questions about the zoning. He advised that if there was a mistake in zoning, then wouldn't his property have been mistakenly zoned. Mr. Forman said that anyone who visits the area can see that R6 is the correct zoning for the area.

Tim Jacobson of 7 Linden Avenue advised there is not a way to expand Linden Avenue for the increased traffic. He advised the street system is a dead-end and doesn't see this as a safe, viable option for Linden. Mr. Jacobson would like the City to evaluate who's notified and where public notice signs are placed for projects so more people in the community are aware.

**PLANNING COMMISSION ACTION:**

This is the first of two required public hearings on the proposed Zoning Map Amendment for 401 Linden Avenue, and as such, no staff recommendation or action by the Planning Commission was provided.

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**E. PC18-487ZTA, Text Amendment, Section 404, Professional Business (PB) Zoning District**

Ms. Collard 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 recommendation from the Planning Commission to the Mayor and Board of Aldermen for the proposed amendments to the Land Management Code as contained in the draft ordinance based on the findings that the changes are consistent with the existing regulations of the LMC and that the changes are compatible with the 2010 Comprehensive Plan.

**SECOND:** Commissioner Imhoff

**VOTE:** 4-0

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**F. PC15-701ZTA, Text Amendment, Section 404, Table 404-1 Medical Cannabis**

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

Jody Walker with Harris Smariga advised his daughter suffers from seizures and has been doing great since starting her on medical cannabis. He advised that if there is vertical integration of land uses in a mixed use environment and there are concerns with the separation of residential and retail that he would be in favor of a conditional use that way it could be handled in a mixed-use scenario. He advised PB is a good zoning district for this use. Mr. Walker went on to mention different conditions that may fit for the project.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved to send a positive resolution from the Planning Commission to the Mayor and Board of Aldermen that cannabis dispensaries be permitted by right in the General Commercial (GC), Mixed Use (MU), MXE (commercial component) and the Professional Business (PB) zones as amended for type contained in the staff report and finding consistency with the City's Comprehensive Plan and existing regulations as allowed by Section 306 of the LMC.

**SECOND:** Commissioner Imhoff

**VOTE:** 4-0

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**Meeting approximately adjourned at 8:00 pm**

Respectfully Submitted,

Jessica Murphy  
Administrative Assistant

APPROVED 9/11/2018