

**Planning Commission Hearing Minutes**  
**DATE: October 8, 2018**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair	Arlene Perkins – Vice Chair	Gabrielle Collard, Division Manager of Current Planning
Kelly Russell – Alderman & Secretary		Scott Waxter, Assistant City Attorney
Ron Burns		Marshall Brown, City Planner
Alan Imhoff – Alternate		Pam Reppert, City Planner
		Cherian Eapen, Traffic Engineer
		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, October 15, 2018 at 2pm in the Municipal Annex Building.

**II. APPROVAL OF MINUTES:**

Approval of the **September 11, 2018** Planning Commission Meeting Minutes as amended:

**MOTION: Commissioner Imhoff**  
**SECOND: Commissioner Burns**  
**VOTE: 4-0.**

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Approval of the **September 17, 2018** Planning Commission Workshop Minutes as amended:

**MOTION: Commissioner Imhoff**  
**SECOND: Commissioner Burns**  
**VOTE: 4-0.**

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

**MOTION: Commissioner Imhoff**  
**SECOND: Commissioner Burns**  
**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. CONTINUANCES:**

- A. PC18-389FSI, Final Site Plan, Renn Parkland
- B. PC18-586PFCP, Preliminary Forest Conservation Plan, Renn Parkland

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved to approve a 30-day continuance to the **November 13, 2018** public meeting.

**SECOND:** Commissioner Imhoff

**VOTE:** 4-0

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**VI. OLD BUSINESS:**

- C. PC18-387MU, Master Plan, Bloomfield

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved to approve a modification from Section 417, Table 417-2 for the minimum street frontage requirement of 40' for detached dwellings and 15' for attached/townhouse dwellings to be reduced to 0' when residential units front onto common areas or open spaces, in order to accommodate product types with first floor living or other characteristics of universal design, as defined in Section 1002.

**SECOND:** Commissioner Imhoff

**VOTE:** 4-0

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**MOTION:** Commissioner Burns moved to approve a modification from Section 417(c)(6) to allow for parking between the principal building and the street to allow for design flexibility, in order to

accommodate product types with first floor living or other characteristics of universal design as defined in Section 1002.

**SECOND:** Commissioner Imhoff

**VOTE:** 4-0

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**MOTION:** Commissioner Burns moved to approve the Bloomfield Master Plan (PC18-387MP) in accordance with LMC Sections 412 and 417, with the following conditions to be met:

1. The MPDU payment agreement must be executed prior to unconditional approval of the master plan and the recording reference added to the plan.
2. That the Summary Table be corrected to indicate that residential detached dwellings have a street/front setback of 20'.
3. That the Traffic Impact Study (TIS) be revised and approved by the City prior to receiving unconditional approval of the master plan.

**SECOND:** Commissioner Imhoff

**VOTE:** 4-0

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**D. PC18- PC18-588ZMA, Zoning Map Amendment, B&O Avenue**

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff moved to support a recommendation from the Planning Commission to the Mayor and Board of Aldermen for the rezoning of 155-165 B&O Avenue in accordance with Section 306 of the LMC, from Light Industrial (M1) to Downtown Commercial/Residential (DB), while maintaining the Historic Preservation Overlay (HPO) and Carroll Creek Overlay (CCO) zones, based on the following findings of fact:

- A. That while the rezoning from M1 to DB will create additional opportunities for residential development, the maximum potential population growth as a result of the rezoning is limited by the existing structures on the site and the potential for complete redevelopment imposed by the HPO.
- B. That is the Properties are located adjacent to the downtown, in a primarily developed area of the City, and is served by existing public facilities including water, sewer, roads as well as life safety and emergency services and that while rezoning the properties to DB authorizes residential use, the potential for increased impacts on public facilities beyond what currently exists is limited;
- C. That any potential increase in demand that results from the rezoning will rely more heavily on alternative modes of transportation as opposed to major future roadway improvements due to the constrained nature of the lower depot area and of downtown;
- D. That rezoning to DB is compatible with the surrounding developed residential uses as well as nonresidential uses; and

- E. That the rezoning is consistent with the land use map of the 2010 Comprehensive Plan, which while designating the Properties as industrial, is immediately adjacent to mixed use and is also consistent with the narrative of the Comprehensive Plan in supporting Land Use Policies 1 and 11, Municipal Growth Policy 1, and Heritage Resources Element 5, as well as the implementation strategies incorporated therein.

And based on the finding that a mistake was made during previous comprehensive rezoning's (2005 and 2013), in which the industrial designation was reaffirmed, and where action was taken that rendered the historically residential use of the Properties nonconforming with no evidence of a request by the owner of the Properties to do so and no other evidence of an expressed intent to render the Properties nonconforming. Further, Staff concurs that the regulatory constraints applied by the designation of the Properties in the HPO is in conflict with the standards imposed by the current industrial designation, which in effect hinders future use and practical maintenance of the Properties by the owners.

**SECOND:** Commissioner Burns

**VOTE:** 4-0

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**VII. NEW BUSINESS:**

**E. PC18-592PSU, Preliminary Plat, Monocacy Gateway**

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

Collin Parker who lives in the Eastchurch community advised he would like to see the connectivity of the bike path into the Eastchurch community in a way that works for the community and developer. Mr. Parker has major concerns about the road connection that would be brought into the Eastchurch community as many children live in the area and he feels that the connection would put them at risk due to increased traffic.

Brian Metzger who lives in the Eastchurch community has concerns about the road connection that would be brought into the Eastchurch community. He feels that there are some practical and logistical challenges with the connection based on the width of the road. Mr. Metzger has major concerns also about safety. He agrees with the bike path connection.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns supports a finding of adequacy for the intersection of East Church Street and East Street in accordance with APFO 4-11(b) (1)(D) finding that there are right of way impacts and property restrictions precluding further improvements from being made.

**SECOND:** Commissioner Imhoff

**VOTE:** 4-0

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**MOTION:** Commissioner Burns moved for approval of the modification to the extension of Lindley Road per Table 611-1, with a vote 4-0, in order to modify the grass panel strip, sidewalk and travel lane widths with no bike lanes of Street Design Standard ST-10.1 as shown in Staff Exhibit 1, finding that:

1. The property is subject to unusual conditions that make it impracticable or undesirable to insist upon strict adherence in order to transition the Lindley Road cross section from the Eastchurch development;
2. The modification does not conflict with the general purpose and intent or the regulation subject to modification by providing a functional collector for traffic circulation and service needs of the two developments; and
3. The modification does not conflict with any provision of the Comprehensive Plan or with the general purpose and intent of these regulations by providing the relief collector road system from East 7<sup>th</sup> Street and Schifferstadt Boulevard.

**SECOND:** Commissioner Imhoff

**VOTE:** 4-0

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**MOTION:** Commissioner Burns moved for approval of the Monocacy Gateway Preliminary Plat (PC18-592PSU) in accordance with LMC Section 507, Articles 4, 6, 7 and 8 and all other applicable regulations, with the following conditions to be met:

1. Revise Sheet PP-5 of the preliminary plat to delete the private road section detail and to revise the road section for Lindley Road/Public Street B as depicted on the Staff Exhibit 1 attached hereto, with individual dimensions for features included in the public ROW to be finalized at the time of Improvement Plan.
2. Add note to plan indicating that the collector road details for the transition connection to Eastchurch development shall be finalized at the site plan stage.
3. Provide name for Street B and approvals from City and County.
4. Continue afforestation at minimum 35' width requirement adjacent to 75' landscape buffer to Schifferstadt Blvd.
5. Obtain final approval of TIS from the Engineering Department prior to unconditional approval of the preliminary plat.
6. Correct Note 17; change Public Street A to Lindley Road.
7. Add Area Summary Table to the Cover Sheet.
8. Show the total width of Schifferstadt Boulevard and East Church Street on the plans.
9. Label square footage or acres of Lindley Road and Street B to be dedicated on all sheets.
10. Remove 24' public access easement on Sheet PP-3 to be determined at site plan stage. Label Outlot 3.
11. Label proposed afforestation areas on drawing.
12. Sheet 3, Correct labels private Outlots as public access easements and remove labels as indicating public right-of-way.
13. Phasing Sheet:
  - a. Delete the last sentence in the \*Note.
  - b. Delete all references to phasing of on-site Public Street construction.
  - c. Adjust phasing of Forest Conservation Area C into four parts:
    - north side supplemental planting prior to building permit for Lots A, B, or D;
    - west side of Area C planted prior to building permit for Lot D;

- north 35' afforestation buffer adjacent to Lot A planted after 100' distance is stabilized on Lot A; and
- north 35' afforestation buffer adjacent to Lot D planted after 100' distance is stabilized on Lot D.

14. Add a note to the plan stating, *At the time of final site plan approval for Lot D the Applicant must either depict a connection of the shared use path from Eastchurch to the Rivercrest shared use path system or from Eastchurch to the shared use path on Lindley Road to Schifferstadt Blvd; or must document to the satisfaction of the City that the connection is legally or physically impractical.*

**SECOND:** Alderman Russell

**VOTE:** 3-1 (Commissioner Nicklas Opposed)

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**F. PC18-593PFCP, Preliminary Forest Conservation Plan, Monocacy Gateway**

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 the Monocacy Gateway Preliminary Forest Conservation Plan (PC18-593PFC) in accordance with LMC Section 721, with the following conditions to be met:

1. Provide Outlot boundaries in accordance with the Preliminary Plat.
2. Provide the phasing notes from the Preliminary Plat applicable to the afforestation on the subject plan.
3. The phasing schedule shown for Afforestation on the Preliminary Plat should be placed on the plan and Forest Conservation Note #7 deleted.
4. Add the following note to the R-3 Forest Requirements on the plan: *Prior to the approval of the project's first site plan or final plat application, whichever comes first, the Applicant shall receive Planning Commission approval of a Forest Stand Delineation/ Preliminary Forest Conservation Plan for the balance of the mitigation requirement totaling 4.08 acres through off-site afforestation. If unable to obtain an off-site location for the 4.08 acres, the Applicant shall be required to amend the Preliminary Forest Conservation Plan and/or Preliminary Plat for consideration by the Commission.*
5. Delete last sentence in Forest Conservation Note #2 and replace with the following: *The Final Forest Conservation Plan shall finalize methods of planting requirements in accordance with Section 721(c)(1)(B)(2)(b) that limits the amount of revision for staff approval and/or Planning Commission approval as a revision.*
6. Change protection fence detail to 8' on center posts.
7. Add acreage to each plant area schedule and correct total quantities for B, C, D, and E as 296, 340, 260, and 326, respectively.

**SECOND:** Alderman Russell

**VOTE:** 4-0

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**Meeting approximately adjourned at 8:30 pm**

Respectfully Submitted,

Jessica Murphy  
Administrative Assistant

APPROVED 11/13/2018