

**Planning Commission Hearing Minutes**  
**DATE: March 11, 2019**

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
Joan Strawson		Pam Reppert, City Planner
Ron Burns		Marshall Brown, City Planner
		Tierre Butler, City Planner
		Sherry Kelly, 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, March 18, 2019 at 2pm in the Municipal Annex Building.
- The Planning Department will be having a Planning 101 class for the public the first weekend in May. Additional information will be published at a later time.

**II. APPROVAL OF MINUTES:**

Approval of the February 11, 2019 Planning Commission Meeting Minutes as amended:

**MOTION:** Commissioner Strawson

**SECOND:** Commissioner Burns

**VOTE:** 4-0.

Approval of the February 11, 2019 Planning Commission Workshop Minutes as amended:

**MOTION:** Commissioner Strawson

**SECOND:** Commissioner Burns

**VOTE:** 4-0.

Approval of the March 8, 2019 Planning Commission Workshop Minutes as amended:

**The Commission postponed the approval of the minutes until the next scheduled Planning Commission Hearing.**

**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. MISCELLANEOUS- None**

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**V. 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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**VI. CONTINUANCES:**

**A. PC18-1119PSU/FSI, Combined Preliminary Plat and Final Site Plan, Renn Property Mixed Use**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved to approve a 30-day continuance to the **April 8, 2019** public meeting.

**SECOND:** Commissioner Strawson

**VOTE:** 4-0

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**VII. OLD BUSINESS:**

**B. PC16-434MU, Master Plan, Summers Farm**

Mr. Brown 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 modifications to Section 417(c)(6) of the LMC for the allowance of parking between the principal building and the street to allow for flexibility and diversity of residential lot types as documented in the staff report, finding that compensating features have been included which address the modifications, per Section 417(c)(1)(B).

**SECOND:** Commissioner Strawson

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved to approve modifications to Section 417(c), Table 417-2 of the LMC pertaining to minimum frontage and minimum principal building's front and rear setbacks as documented in the staff report, finding that compensating features have been included which address the modifications, per Section 417(c)(1)(B).

**SECOND:** Commissioner Burns

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved to approve modifications to Section 606(b)(2) of the LMC to allow for lots not front a public street of access to allow for flexibility and diversity of residential lot types, finding that access will be ensured through the provision of common area agreements and private access easements.

**SECOND:** Commissioner Strawson

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved to approve modifications to Section 607, Table 607-1, of the LMC to allow the remaining number of required parking spaces through utilization of on-street parking and/or surface parking lots as necessary.

**SECOND:** Commissioner Burns

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved to approve modifications to Section 611(s)(2) of the LMC to allow for the option of sidewalks below 5' in width on private street connections as described in Section 607(d)(2) of the LMC.

**SECOND:** Commissioner Burns

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved to approve modifications to Section 611, Table 611-2, of the LMC to allow for the minimum horizontal centerline radius of local streets to be reduced from 90' minimum to 50' minimum when tangents of intersection streets meet at 90 degrees.

**SECOND:** Commissioner Strawson

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved to approve modifications to Section 803(a)(4) of the LMC to allow detached accessory structures to be built to the property line for neo- traditional townhome units.

**SECOND:** Commissioner Burns

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved to approve modifications to the local street section provisions of Section 611-2 and to the City of Frederick Manual of Standard Details for Construction for Mt. Phillip Road.

**SECOND:** Commissioner Strawson

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved to approve the Summers Farm Mixed-Use Master Plan, PC16- 434MU, finding in accordance with Section 417, entitled *Mixed Use Districts (MU-1 and MU-2)*, that the development will incorporate a compatible mixture of residential, commercial, employment, recreational, civic, and/or cultural uses, and in accordance with LMC Section 310, entitled *Master Plans*, with the following conditions:

1. That a note be added to the Master Plan sheet which states that at the preliminary plat/final site plan stage, the developers will consult with Frederick County and Frederick City on the final alignment of the "Main Street Connector" trail linking Middletown to Frederick either through or adjacent to the Property.

2. That the Design Guideline booklet be updated with regards to the modification to Section 417(c) (6) for a two-lane street with perpendicular parking.
3. That a note be added to the Master Plan sheet which states that the right of way and final cross section/configuration of the Butterfly Lane extension through the Property including the proposed shared use path, sidewalks, and interior roadway access points along the roadway shall be considered at the Preliminary Plat/Final Site Plan stage.
4. That a note be added to the Master Plan sheet which states the dates of issuance for full and provisional APFO certificates.
5. That the applicant will submit a final traffic impact study before unconditional approval of the master plan.

**SECOND:** Commissioner Burns

**VOTE:** 4-0

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**VIII. NEW BUSINESS:**

**C. PC18-666FSI, Final Site Plan, Sound Center for Body, Mind and Spirit**

Ms. Kelly 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 the modifications to Section 607(g)(2) to the required 30' parking lot setback finding that:

1. The modification is not contrary to the purpose and intent of the LMC. The current gravel parking extends to the property line with no screening, whereas the proposed paved parking will be screened by a 30" tall kneewall with 24" ornamental railing.
2. The modification is consistent with the Comprehensive Plan, as it supports infill and redevelopment opportunities and allowing for flexibility in design elements to mitigate site constraints often faced with redevelopment projects.
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement in that a kneewall with ornamental railing will compensate for the lack of the buffer.

**SECOND:** Commissioner Strawson

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved to approve the Final Site Plan (PC18-666FSI) for the Sound Center for Body, Mind, and Spirit and two-family dwelling 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. Revise Note F on Sheet 1 to include the date of the modification approval.
2. The Applicant must submit the payment of fee in lieu of parkland dedication.

**SECOND:** Alderman Russell

**VOTE:** 4-0

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**D. PC18-1016FSI, Final Site Plan, Love My Car Carwash**

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved to approve the Modification to the minimum parking requirement of Section 607 based on the following criteria:

1. The modification will not be contrary to the purpose and intent of the Code; because the site can accommodate the number of employees for the site.
2. The modification is consistent with the Comprehensive Plan; and provides the needed amount of spaces for employees at the automated location.
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement such as providing bike racks inside the building for employees.

**SECOND:** Commissioner Burns

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved to approve modification to the requirement for a 9' wide bypass and 15' drive aisles per Section 819(b)(2) based on the following criteria:

1. The modification will not be contrary to the purpose and intent of the Code; because the site has a bail-out driveway and an employee on site to assist at the pay station

2. The modification is consistent with the Comprehensive Plan; because there is no physical barrier separating the stacking line.
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement because it contains a bail- out driveway.

**SECOND:** Commissioner Strawson

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for conditional approval of the Final Site Plan, PC18-1016FSI, to construct a 3,840sqft automated car wash with vacuum spaces located on 187 Thomas Johnson Drive 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 Landscaping Plan must be signed and sealed by a registered Landscape Architect.
2. Revise the Parking Summary notes to eliminate the reference to the existing shared parking on the site that will be removed.
3. Revise the Water and Sewer notes on Sheet 1. The current notes regarding the APFO exemption should be contained in a separate note specific to APFO and the following language should be provided under "Water and Sewer Note"

**SECOND:** Commissioner Strawson

**VOTE:** 4-0

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**E. PC18-1017FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Love My Car Carwash**

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, PC18-1017FSCB, based on compliance with all of the applicable criteria of Section 721 of the Land Management Code with following condition:

1. Revise the title block to read "Combined Forest Stand Delineation and Preliminary Forest Conservation Plan."

**SECOND:** Alderman Russell

**VOTE:** 4-0

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**F. PC18-1116FSI, Final Site Plan, AstraZeneca**

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 conditional approval of the Final Site Plan, PC18-1116FSI, to construct a 10,500sqft cafeteria addition and a covered walkway based on compliance with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC, APFO Exempt and consistency with the 2010 Comprehensive Plan with the following condition:

1. Revise the landscaping plan to identify the street tree on Research Court which must be relocated/replaced and identify a new location for the tree. Revise the notation pertaining to the tree on Sheet 3 to eliminate "If Needed."
2. Update the APFO note on the plan to reflect that APFO exemptions were granted on February 11, 2019.
3. Revise Sheet 3 notation to indicate "Curb Opening Inlet to be relocated/redesigned subject to approval at the time of Improvement Plan review."

**SECOND:** Commissioner Strawson

**VOTE:** 4-0

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**G. PC18-884FSI, Final Site Plan, Worman's Mill Lot 4**

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved to approve a modification to Section 607(h) requiring one large 12' x 50' loading space finding that:

1. The modification will not be contrary to the purpose and intent of the Code as the Applicant is providing a 12' x 20' loading space internal to the site based on the operational needs of the tenant.
2. The modification is consistent with the 2010 Comprehensive Plan in that it is compatible with the character of the surrounding area.
3. The application includes compensating design or architectural features so as to meet overall objectives including parking all tenant vehicles off-site during off hours.

**SECOND:** Alderman Russell

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved to approve the modification to Section 605, Table 605-3 to the Level I screening requirement along the rear of the through lot finding that:

1. The modification will not be contrary to the purpose and intent of the Code because the alternative screening will provide an effective visual barrier;
2. The modification is consistent with the 2010 Comprehensive Plan in that it is compatible with the character of the surrounding area.
3. The application includes compensating design or architectural features so as to meet overall objectives including a hedgerow and the provision of the same number of trees required for the screening dispersed throughout the site.

**SECOND:** Alderman Russell

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

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for conditional approval of the Final Site Plan, PC18-884FSI, to construct a new 7,200sqft structure on the currently vacant Lot 4 of the Worman's Mill Industrial Park 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. Revise the plan to include the approve date of the landscaping modification.
2. Add a note to the plan indicating the request for the loading space modification and the date of the approval.
3. The landscaping plan must be signed and sealed by a landscape architect.
4. Revise the title block on all sheets to provide the correct case number PC18-884FSI.

**SECOND:** Alderman Russell

**VOTE:** 4-0

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**H. PC18-885FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Worman's Mill Lot 4**

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved unconditional approval of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, PC18-885FSCB, based on compliance with all of the applicable criteria of Section 721 of the LMC and consistency with the 2010 Comprehensive Plan.

**SECOND:** Alderman Russell

**VOTE:** 4-0

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**I. PC18-1112FSI, Final Site Plan, Riverside Corporate Park, Lot 257**

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for conditional approval of the final site plan PC-1112FSI for Lots 257A and 257B, in accordance with Articles 4, 5, 6, 7, and 8 of the LMC and with master plan approved for the subject property, with the following conditions to be met:

1. The final plats (STF18-1009FSU and STF18-1114FSU) must be recorded prior to unconditional approval of the site plan.
2. Correct Note 2 to separate and reference the two final plats separately and respective recording references.
3. Correct interior parking lot landscaping to comply with 10% for Lot 257B and exclude the screening buffer along Lot 258A.
4. Correct Note 11, Archeological Assessment case #18-281 approved on April 24, 2018.
5. The truck template needs to show the far southeast truck exiting the parking space.

**SECOND:** Alderman Russell

**VOTE:** 4-0

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**J. PC19-78ZMA, Zoning Map Amendment, 300 E. 4<sup>th</sup> Street**

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

This is the first of two required public hearings.

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

Respectfully Submitted,

Jessica Murphy

Administrative Assistant

APPROVED 4/8/2019