

Planning Commission Hearing Minutes
DATE: June 10, 2019

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair		Gabrielle Collard, Division Manager of Current Planning
Arlene Perkins – Vice Chair		Scott Waxter, Assistant City Attorney
Kelly Russell – Alderman & Secretary		Pam Reppert, City Planner
Ron Burns		Sherry Kelly, City Planner
Joan Strawson		Jessica Murphy, Administrative Assistant
Dorothy Menelas		

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, June 17, 2019 at 2pm in the Municipal Annex Building.

II. APPROVAL OF MINUTES:

Approval of the May 13, 2019 Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Perkins

VOTE: 5-0.

Approval of the May 20, 2019 Planning Commission Workshop Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Perkins

VOTE: 5-0.

Approval of the June 7, 2019 Pre-Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Perkins

VOTE: 4-0. (Commissioner Burns Abstained)

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. PC19-273PSU, Preliminary Plat, The Preserve at Tuscarora

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for unconditional approval of the preliminary plat for The Preserve at Tuscarora, PC19-273PSU, finding that the plat complies with Article 5 of the LMC, that it is consistent with the Comprehensive Plan and the approved master plan and that the site will be adequately served by public facilities.

SECOND: Commissioner Perkins

VOTE: 5-0

V. CONTINUANCES: None

VI. MISCELLANEOUS:

B. Presentation of the 2018 Annual Report

PLANNING COMMISSION ACTION:

The Planning Commission reviewed and accepted the annual report.

VII. OLD BUSINESS:

C. PC19-165ZMA, Zoning Map Amendment, 102, 104, 108 W. All Saints Street and 107 Ice Street

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for a positive recommendation to the Mayor and Board of Aldermen for the rezoning of 102, 104, & 108 W. All Saints Street and 107 Ice Street from Institutional

(IST) to Downtown Residential (DR) while maintaining the Historic Preservation Overlay (HPO) based on the findings of fact made in the staff report relative to population change, the availability of public facilities, the impacts on present and future transportation patterns, compatibility with existing and proposed development, and consistency with the Comprehensive Plan and finding that:

1. That the use upon which the application of the floating zone was based is proposed to be discontinued;
2. That it is the Applicant's intent to use and redevelop the Property in accordance with the DR district, which is base zone established during the 2005 and 2013 Comprehensive Rezoning; and
3. The proposed reversion is in harmony with the Land Use, Municipal Growth and Housing Elements of the 2010 Comprehensive Plan.

SECOND: Commissioner Strawson

VOTE: 5-0

D. PC19-169ZMA, Zoning Map Amendment, Sanner Property

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 for a positive recommendation to the Mayor and Board of Aldermen for the rezoning of two parcels of land, 29.67 and 16.5 acres, from Low Density Residential (R4) to the Institutional Floating District (IST) to accommodate a new elementary and middle school, based on the findings of fact made in the staff report relative to population change, the availability of public facilities, the impacts on present and future transportation patterns, compatibility with existing and proposed development, and consistency with the Comprehensive Plan and finding that:

1. The proposed development project complies with the criteria established for the IST district requested;
2. The proposed construction of an elementary and middle schools is compatible with the character of the existing uses in the vicinity; and
3. The proposed rezoning is harmony with the land use map of the 2010 comprehensive plan.

SECOND: Commissioner Strawson

VOTE: 5-0

VIII. NEW BUSINESS:

E. PC19-163FSU, Final Subdivision Plat, Sanner Property

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 for approval of a Final Plat to re-subdivide the Sanner Farm property, owned by the City, to consolidate the subdivided portion 29.67 acres with Lot 1S 16.5 acres previously dedicated by the Tuscarora Creek Planned Neighborhood Development (PND) to create one lot for an elementary and middle school site, based on compliance with the Comprehensive Plan and all of the applicable zoning regulations of Articles 4-8 regulations, with the following conditions to be met:

1. Note on the plat, the updated forest conservation easements with recorded references.
2. Add to Note 8, the Preliminary Forest Conservation Plan/Final Plan (PC18-880PFC/FC) and approval date 2/11/19.
3. Revise the reference to the 50' access easement to Lot 1, PB98, Page 71, to be consistent with PB 98 Page 71 to be shown as a Proposed Future Non-Exclusive Access Easement and add a note referencing the easement to read "Proposed Future Non-Exclusive Access Easement to Christopher's crossing from Lot 1."

SECOND: Commissioner Strawson

VOTE: 5-0

F. PC19-77FSI, Final Site Plan, Rutter's at Riverside, Riverside Corporate Park Lot 258A

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 modification to Section 601(f) Table 601-2, *Separation Standards*, to reduce the 400' required distance to 335' between Progress Drive and the entrance on Monocacy Blvd finding that:

1. The modification will not be contrary to the purpose and intent of the Code;
2. The modification is consistent with the Comprehensive Plan Policy TE1.1 to coordinate the timing of local and regional implementation of transportation improvements and other infrastructure improvements; and
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement by proposing to widen Monocacy Blvd, restripe lanes and install a traffic signal at Progress Drive intersection.

SECOND: Commissioner Strawson

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to approve of the modification to Section 605(g), *Interior Parking Lot Landscaping*, finding that:

1. The modification will not be contrary to the purpose and intent of the Code;
2. The modification is consistent with the Comprehensive Plan Policy ED2.5 to implement flexible commercial and employment land use policies and regulations to provide site and building options for new businesses, while maintaining a high level of both function and aesthetics; and
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement with increased landscape perimeters resulting in increased front yard setback as compensating feature to offset the interior landscaping.

SECOND: Commissioner Strawson

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved for conditional approval of the final site plan PC19-77FSI for the construction of a 8,427 sf Rutter's convenience store with gas sales on Lot 258A of Riverside Corporate Park, 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 plat (STF18-1009FSU) must be recorded prior to unconditional approval of the site plan.
2. Correct note S to document approval date of the required revised Public Works Agreement.
3. Add to Note T, the final plat STF18-1009FSU recordation date.
4. Add a note to the plan stating, "The final design of the right-in/right-out on Monocacy Blvd so as to preclude left turning movements into or out of the site is subject to approval by the Engineering Department at the time of improvement plan review.
5. Verify/provide required number of street trees on Broadband Drive.
6. Obtain POA approval of the elevations.
7. Correct typo in Note 5 on Landscaping sheet from 8.02% to 9.02%.

SECOND: Commissioner Strawson

VOTE: 5-0

G. PC18-1201FSI, Final Site Plan, Riverwalk Apartments

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 for approval of the Final Site Plan (PC18-1201FSI) for Riverwalk Apartments finding that the plan complies with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC, that is it consistent with the master plan and the 2010 Comprehensive Plan, and that the site will be adequately served by public facilities, with the following conditions:

1. Provide the required year-round landscaping around the dumpsters in accordance with Section 613 of the LMC.

SECOND: Commissioner Perkins

VOTE: 5-0

H. PC18-1199FSI, Preliminary Plat, Sycamore Ridge

Ms. Kelly 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 modification request to Section 605, *Landscaping Standards*, to place street trees behind the public right of way in a 5' landscape easement as depicted on the preliminary plat, finding that:

1. The subdivision is subject to an approved master plan that provides safeguards and restrictions that mitigate the requested modification; and
2. The modification does not conflict with the general purpose and intent or the regulation subject to modification, and
3. The modification does not conflict with any provision of the Comprehensive Plan or with the general purpose and intent of these regulations.

SECOND: Commissioner Strawson

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to approve the modification request to Section 607, *Parking and Loading Standards*, in accordance with Section 410(h)(4), for on-street parking within a PND, finding that:

1. The subdivision is subject to an approved master plan that provides safeguards and restrictions that mitigate the requested modification; and
2. The modification does not conflict with the general purpose and intent or the regulation subject to modification, and

3. The modification does not conflict with any provision of the Comprehensive Plan or with the general purpose and intent of these regulations.

SECOND: Commissioner Strawson

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to approve of the modification to the local street sections ST-11.1 and ST-11.2 of the City's Manual of Standard Details for Construction to further modify Local Street A-2, finding that:

1. It is compatible with surrounding neighborhood,;
2. It is compatible with the overall development of the City; It will not be detrimental to public health and safety or to the delivery of public services to the future residents of the PND, including police, fire protection, emergency services, utilities, solid waste collection, and schools; and
3. It is subject to mitigation measures that resolve the issues and address the purpose of the regulations that are subject to modification.

SECOND: Commissioner Strawson

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to approve the Preliminary Plat PC18-1199PSU for Sycamore Ridge finding that the plat complies with Article 5 of the LMC, that it is consistent with the Comprehensive Plan and the approved master plan and that the site will be adequately served by public facilities with the following conditions:

- 1) Add the Preliminary Forest Conservation Plan Case #PC18-1200PFCP to Note 9 on Sheet 1.
- 2) Correct the public parkland acreage in Note 10 on Sheet 1 to correlate to the Site Data referenced.
- 3) Revise the references to the 5' mulch paths in the parkland to be dedicated to the City to indicate permeable pavement, concrete, asphalt, or other similar material subject to approval at time of final site plan and revise the Note on Sheet 21 to eliminate the reference to mulch as a potential material.
- 4) Revise the path layout in Park J to avoid conflicts with the 71" specimen Sycamore tree.
- 5) Provide the seven additional street trees to meet the minimum required of 518 and correct Sheet 20 to reflect the change.

- 6) Receive approval from the Mayor and Board of Aldermen for the establishment of forest conservation easements in the proposed public parkland.
- 7) Extend the 10-foot wide Christophers Crossing Shared-Use Path 60 feet to the east of the terminus shown to connect the sidewalk on Clingman's Dome Drive, south of Lot 200.
- 8) Label the width of the sidewalk (4-feet) on Katahdin Court and High Point Terrace. Correct the pavement width noted for Katahdin Court from 20 feet to 18 feet.
- 9) Provide a connection for the 4-foot wide sidewalk on Katahdin Court to the 5-foot wide asphalt path provided in HOA open space.

SECOND: Commissioner Strawson

VOTE: 5-0

I. PC19-1200PFCP, Preliminary Forest Conservation Plan, Sycamore Ridge

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 for approval of a modification to Section 721(d)(2) to remove 33 specimen trees, in accordance with Section 721(b)(3) finding that:

1. The special conditions peculiar to the property would cause the unwarranted hardship;
2. The enforcement of this section will deprive the applicant of rights commonly enjoyed by others in similar areas;
3. The granting of the modification will not confer on the applicant a special privilege that would be denied to other applicants;
4. The modification request is not based on conditions or circumstances, which are the result of actions by the applicant;
5. The request does not arise from a condition relating to land or building use, either permitted or nonconforming, in a neighboring property; and
6. The granting of a modification will not adversely affect water quality

SECOND: Commissioner Perkins

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of the Preliminary Forest Conservation Plan (PC18-1200PFCP) for Sycamore Ridge, based on compliance with all of the applicable criteria of Section 721, with the following conditions:

1. Revise the references to the 5' mulch paths in the parkland to be dedicated to the City to indicate permeable pavement, concrete, asphalt, or other similar material subject to approval at time of final site plan.
2. Revise forest conservation easements surrounding paths in public parkland to exclude the path and 5' on either side of the path for maintenance and identify alternative retention/afforestation areas to account for the loss in total mitigation associated with the revision.

SECOND: Commissioner Burns

VOTE: 5-0

Meeting approximately adjourned at 8:15 pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant

APPROVED 7/8/2019