

**Planning Commission Hearing Minutes**  
**DATE: July 8, 2019**

<b>PC MEMBERS</b>	<b>PC MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>
<b>Barbara Nicklas – Chair</b>  <b>Kelly Russell – Alderman &amp; Secretary</b>  <b>Ron Burns</b>  <b>Joan Strawson</b>	<b>Arlene Perkins – Vice Chair</b>  <b>Dorothy Menelas</b>	<b>Gabrielle Collard, Division Manager of Current Planning</b>  <b>Rachel Depo, Assistant City Attorney</b>  <b>Marshall Brown, City Planner</b>  <b>Sherry Kelly, City Planner</b>  <b>Tierre Butler, City Planner</b>  <b>Jessica Murphy, Administrative Assistant</b>

**I. CALL TO ORDER:**

**II. 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, July 15, 2019 at 2pm in the Municipal Annex Building.
- The launch of the Comprehensive Plan update.

**III. APPROVAL OF MINUTES:**

Approval of the June 10, 2019 Planning Commission Meeting Minutes as amended:

**MOTION: Commissioner Strawson**

**SECOND: Commissioner Burns**

**VOTE: 4-0.**

Approval of the June 17, 2019 Planning Commission Workshop Meeting Minutes as amended:

**MOTION: Commissioner Burns**

**SECOND: Commissioner Strawson**

**VOTE: 4-0.**

Approval of the July 3, 2019 Pre-Planning Commission Meeting Minutes as amended:

**MOTION: Commissioner Burns**

**SECOND: Alderman Russell**

**VOTE: 3-0. (Commissioner Strawson Abstained)**

**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. PC19-411ANX, Annexation, Lupcho Property**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for a continuance to the August 12, 2019 Planning Commission meeting.

**SECOND:** Commissioner Burns

**VOTE:** 4-0

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**VI. MISCELLANEOUS: None**

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**VII. OLD BUSINESS: None**

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**VIII. NEW BUSINESS:**

**B. PC19-570PCM, Fence Modification, 810 Holden Road**

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 modification PC19-570PCM, for the construction of a fence beyond the front façade of 810 Holden Road, finding that the request is:

In accordance with Section 309(j):

1. The modification will not be contrary to the purpose and intent of the Code;
2. The modification is consistent with the Community Character and Design Element of the 2010 Comprehensive Plan; and
3. The setback of the fence from the streetscape and provision of landscaping are compensating design features that meet the overall objectives of the requirement.

And in accordance with Section 821(d);

1. The proposed fence, wall, or hedge complies with the sight triangle provision outlined in Section 611(t);
2. The proposed fence, wall, or hedge is consistent with the scale and design of the surrounding community; and
3. The proposed fence, wall, or hedge does not adversely impact the use and enjoyment of other properties in the immediate vicinity.

**SECOND:** Commissioner Strawson  
**VOTE:** 4-0

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**C. PC19-564PCM, Fence Modification, ½ W. 13<sup>th</sup> Street**

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

Kimberly Johnson of 3 W. 13<sup>th</sup> Street has concerns about continuity of the neighborhood. She advised having clear visibility and access to school is extremely important as her son is legally blind. Ms. Johnson would like the Planning Commission to reconsider allowing the fence modification.

**PLANNING COMMISSION ACTION:**

**MOTION:** Alderman Russell moved for a continuance to the August 12, 2019 Planning Commission meeting.

**SECOND:** Commissioner Strawson  
**VOTE:** 4-0

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**D. PC19-280FSI, Final Site Plan, Kellerton Phase 1A Parkland Dedication**

Mr. Brown 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 final site plan for the Kellerton PND City Parkland, Phase 1, Parcels A & B, PC19-280FSI, finding that the site plan complies with all of the applicable criteria of Articles 3, 4, 5, 6, 8 and 12 of the LMC, that it conforms with the approved master plan and the 2010 Comprehensive Plan, and that the site will be adequately served by public facilities, with the following conditions:

1. That a final plat for the City parkland parcels be recorded in the Land Records of Frederick County.

**SECOND:** Alderman Russell  
**VOTE:** 4-0

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**E. PC19-279FSI, Final Site Plan, Kellerton Community Center**

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 the modification to Section 607, Table 607-1, of the LMC to allow parking in excess of the maximum allowed as documented in the staff report, finding that:

- A. The modification will not be contrary to the purpose and intent of the Code;
- B. The modification is consistent with the Comprehensive Plan; and
- C. The application includes compensating design or architectural features including the planting of the same number of trees elsewhere on the site.

**SECOND:** Commissioner Strawson

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the final site plan for the Kellerton PND Community Center, PC19-279FSI, finding that the site plan complies with all of the applicable criteria of Articles 3, 4, 5, 6, 8 and 12 of the LMC, that it conforms with the approved master plan and the 2010 Comprehensive Plan, and that the site will be adequately served by public facilities, with the following conditions:

- 1. That a final plat for the Community Center parcel be recorded in the Land Records of Frederick County.

**SECOND:** Commissioner Burns

**VOTE:** 4-0

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**F. PC19-172PSU, Preliminary Plat, Monocacy Gateway**

Ms. Collard 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 requested modification from Section 601(f), Table 601-2 for the entrance separation standards to reduce the distance to approximately 284' between the right-in/right-out driveway and an arterial road, E. Church Street, on the arterial road, Schifferstadt Blvd and reduce the distance to approximately 382' between the right-in/right-out

driveway and an arterial road, Schifferstadt Blvd, on the arterial road, E Church Street, finding that the criteria of Section 510 has been as follows:

1. The modification will not be contrary to the purpose and intent of the Code;
2. The modification is consistent with the Comprehensive Plan; and
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement.

**SECOND:** Alderman Russell

**VOTE:** 4-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of the revised preliminary plat (PC19-172PSU) for Monocacy Gateway, finding that the plat complies with Article 5 of the LMC, that it is consistent with the Comprehensive Plan, and that the site will be adequately served by public facilities with the following conditions:

1. Submit a Traffic Impact Study (TIS) for staff approval reflecting the density revisions that are part of the revised preliminary plat.
2. Edit phasing notes to reflect that guarantees will be posted prior to improvement plan approvals.
3. Provide City and County approval for Public Street B name.
4. Obtain unconditional approval of Preliminary Forest Conservation Plan (PC19-173PFC).
5. Label the Eastchurch shared use path as future connection point.
6. Change note on Sheet CS-1 as follows: Collector road details for the transition connection to Eastchurch development shall be finalized at the site plan stage or improvement plans, whichever comes first.
7. Change phasing note for Areas B2 and B 3 to read "*planted prior to first Certificate of Occupancy of Lot A*" and delete "*and 10' shared use path is complete prior to first Certificate of Occupancy Permit for Lot A.*"
8. Change phasing notes a.2 and b.2 to state that "*guarantees shall post prior to associated improvement plan approvals.*"

**SECOND:** Commissioner Strawson

**VOTE:** 4-0

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**G. PC19-173PFCP, Preliminary Forest Conservation Plan, Monocacy Gateway**

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

Seymour Stern of 20 Fairview Avenue advised he has represented the Schley family property for over 26 years. Mr. Stern provided a brief history of the property with the forest plan. He advised the Schley family has worked well with the City and deserves recognition.

Kevin Hluch a 36 year resident of Frederick City requested the City provide a running total of the fee in lieu payments received.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of the revised Preliminary Forest Conservation Plan (PC19-173PFC) for Monocacy Gateway, in accordance with LMC Section 721, with the following conditions to be met:

1. Change phasing note for Areas B2 and B 3 to read “*planted prior to first Certificate of Occupancy of Lot A*” and delete “*and 10’ shared use path is complete prior to first Certificate of Occupancy Permit for Lot A.*”
2. Label the shared use path from Eastchurch development to show the ultimate connection point.
3. Label existing sanitary sewer easement through planting areas B1, B2 and B3.
4. On sheet 2, under Guarantee and Replacement, delete note #1.
5. Place protection fencing and signage 50’ on center along the common property lines with the Eastchurch and Rivercrest subdivisions, plus missing protection devices along east side of sanitary sewer easement.
6. On sheet 2, under Sequence of Construction, new #11, the short term maintenance period may only be extended for additional two years to meet survival rate.

**SECOND:** Commissioner Strawson

**VOTE:** 4-0

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**H. PC19-388ZMA, Zoning Map Amendment, 798-800 Motter Avenue**

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

**PLANNING COMMISSION ACTION:**

*This is the first of two required public hearings*

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**I. PC19-387ZMA, Zoning Map Amendment, 100 S. Market Street**

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

Kevin Hluch a 36 year resident of Frederick City presented questions/comments to the Planning Commission and staff in reference to the City’s zoning rules and regulations.

**PLANNING COMMISSION ACTION:**

*This is the first of two required public hearings*

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**Meeting approximately adjourned at 8:05 pm**

Respectfully Submitted,

Jessica Murphy  
Administrative Assistant

APPROVED 8/12/2019