

Planning Commission Hearing Minutes
Date: August 12, 2019

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Arlene Perkins – Vice Chair Kelly Russell – Alderman & Secretary Ron Burns Joan Strawson Dorothy Menelas – Alternate	Barbara Nicklas – Chair	Joe Adkins, Director of Planning/Community Development Scott Waxter, Assistant City Attorney Pam Reppert, City Planner Sherry Kelly, City Planner Tierre Butler, City Planner

I. CALL TO ORDER:

II. ANNOUNCEMENTS:

Mr. Adkins made the following announcements about upcoming events and opportunities:

- Thanked Ms. Perkins for being a tremendous asset to the Planning Commission as the hearing was her last meeting.

III. APPROVAL OF MINUTES:

Approval of the **July 8, 2019** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Menelas

VOTE: 5-0.

Approval of the **July 15, 2019** Planning Commission Workshop Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Menelas

VOTE: 5-0.

Approval of the **August 9, 2019** Pre-Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Burns

SECOND: Commissioner Strawson

VOTE: 5-0.

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. PC19-406FSU, Final Subdivision Plat, Langworthy/Woody

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for unconditional approval of the final plat, PC19-406FSUSU, for the resubdivision of 264 and 266 Dill Avenue as depicted on the subject plat 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.

SECOND: Commissioner Strawson

VOTE: 5-0.

V. CONTINUANCES:

B. PC18-1118PSU/FSI, Combined Preliminary Plat and Final Site Plan, Visitation Academy

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for a continuance to the September 9, 2019 Planning Commission meeting.

SECOND: Commissioner Strawson

VOTE: 5-0.

C. PC18-1120FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Visitation Academy

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for a continuance to the September 9, 2019 Planning Commission meeting.

SECOND: Commissioner Strawson

VOTE: 5-0.

VI. MISCELLANEOUS: None

VII. OLD BUSINESS:

D. PC19-564PCM, Fence Modification, ½ W. 13th Street

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

Kimberly Johnson of 3 W. 13th Street has concerns about continuity of the neighborhood and that allowing the fence would impact enjoyment of her property. She doesn't feel that this is a unique situation. Ms. Johnson would like the Planning Commission to reconsider allowing the fence modification.

Thomas Davy of 1862B Monocacy View Circle has concerns about the fence proposal. He advised there is adequate space on the side and back yard for dogs. He also advised there is a line of site issue off of 13th street. Mr. Davy doesn't agree the fence fits the character of the neighborhood. He has concerns

about where snow will go if the fence is allowed in the front yard. He also has concerns about traffic and safety. Mr. Davy would like the Planning Commission to reconsider allowing the fence modification.

Gordon Davy of 3 W. 13th Street doesn't believe the fence will look good and appeal to newer buyers in the neighborhood. He advised based on a study a lot of people are scared of dogs. He advised that the fence should be further back from the walkway.

Jenny Rodgers of 10 W. 13th Street advised that she would like to have the fence only come to the corner as none of the other homes fences come out to the sidewalk.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to deny approval of modification PC19-564PCM, for the construction of a 4' tall black aluminum fence beyond the front facade of the principal structure at ½ 13th Street finding that:

In reference to Section 309(j):

1. The modification is not consistent with the Community Character and Design Element of the 2010 Comprehensive Plan.

In reference to Section 821(d) (2);

1. The proposed fence, wall, or hedge is not consistent with the scale and design of the surrounding community.

SECOND: Commissioner Menelas

VOTE: 5-0.

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

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

Anne Rollins with Miles and Stockbridge who represents the Housing Authority advised they concur with the staff report.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to send a positive recommendation to the Mayor and Board of Aldermen for the Zoning Map Amendment request, PC19-388ZMA for 798-800 Motter Avenue from Medium Density Residential (R8) to Institutional (IST) while maintaining the Wellhead Protection Overlay (WHO) and having considered the impacts on population change, the availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development, and the relationship with the Comprehensive Plan, with the following findings:

1. The existing use is classified as a "Senior Living and Retirement Facility" and per Section 404, Table 404-1 of the LMC it is a permitted use in the IST district;
2. The existing development is compatible with the character of the existing uses in the vicinity; and
3. The proposed rezoning is in harmony with the Housing Element of the 2010 Comprehensive Plan.

SECOND: Commissioner Strawson

VOTE: 5-0.

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

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

Brad Hoffman of 112 S. Market Street has had increased issues of crime in the area and has been threatened with violence. He advises he has evidence that there is a link between FCAA and the crimes being committed near his home. Mr. Hoffman is concerned for the safety and well-being of his neighborhood and family and urges the Planning Commission and Mayor & Board to assist with coming up with a solution to assist with the current problems.

Stephen Wilson of 9 E. South Street advised that unless the community center has a plan to assist with the issues and crime he doesn't see how the zoning map amendment can be supported in the neighborhood. Mr. Wilson advised he has also heard from people that live out of town that they also have experienced issues.

Carolyn Jurns of 5 E. South Street asked the Commission what research has been done that shows the impacts the change in zoning will have to the surrounding neighborhood. She also asked for clarification on if residents of the FCAA will be chronically homeless and disabled or one or the other. Ms. Jurns questions the use of the current location and if it's the best location to be used for the City's resources.

Suzanne Seymoure of 105,106 & 107 S. Market Street advised as a business owner she was proud to open a business here but have had problems with people peeing, passing out as well as using and selling drugs in front of her business. She advised as a health nurse it's not safe to have them in a high traffic area. Ms. Seymour advised that she doesn't agree with the location of the housing and that it's hurting business.

Greg Seymoure of 105,106 & 107 S. Market Street have concerns about the vagueness from temporary to permanent housing. He is concerned with the safety for the community and advised that the FCAA can't handle what they have now.

Mel Litter of 125 S. Market Street advised she concurs with her neighbors. She advised that the problems are out of control. Ms. Litter advised if this is campus type housing like the documents state that there needs to be an increase in services so everyone can live in harmony. She asked if there is an opportunity for grant money due to the change in zoning and if that's the reason for the change. She asks the City to maybe look for another site that will serve the same purpose but might be more in harmony with the use.

Kevin Hluch of 113 W. All Saints Street advised that he can't find anything in the LMC in regards to the number or size of units allowed in the IST zone and discussed the findings in the LMC in regards to SRO's and zoning. Mr. Hluch asked that the application be denied.

John Cotman of 133 W. All Saints Street advised the crime and drugs that he and his neighbors experience should be addressed by the Mayor and public policy makers directly. He's advised that he's had to call the Police 7 or 8 times in the last year for problems and believes the issues require a larger conversation than just one about the application.

Mindy Cawley of 116 W. All Saints Street advised there are issues with crime and drugs on her street as well as people urinating in her driveway. She advised the complaints about Frederick are about the panhandling and the people being passed out on the street other than that they love Frederick. She advised that people move here from other counties for our services. She advised the FCAA is not good neighbors and seem not to care about the crimes being committed by their residents. Ms. Cawley stated the City needs to stop overloading the City's issues in their neighborhood.

Sean Moore of 18 E. South Street advised he walks through the area with his dog and reiterates everything stated by his neighbors. He advised he doesn't understand how it's okay to have a facility with services in an area that it's no zoned to allow and would like to know why it was allowed.

Beth Redman of 31 W. Patrick Street but also owns a condo at 16 W. All Saints. She advised the property at W. All Saints was unable to be sold as there was an incident every time someone came to look at the property. They bought the property for an investment. Ms. Redman advised crime has increased and they have asked the City already for assistance with the problem through the NAC's. She advised her son can't even open his blinds because people will stand at his window and watch his TV.

Eric Nicholson of 135 S. Market Street and NAC 11 coordinator. He advised that many might be wondering what the connection is between the FCAA residents and the crime problems. He advised on May 3, 2019 the City Police did six days of enforcement with 30 arrests and that most of all of them have the address of 100 S. Market Street. He advised all of the criminals are still allowed to use FCAA services and advised Mr. Spurrier doesn't do anything about it.

Tom Boylan of 1 W. South Street he advised he doesn't see that anything has been done to prevent the issues. He advised he is against the rezoning.

James Baughman of 17 W. South Street who is proud to call Downtown Frederick his home. He advised that everyone wants to find a way to compassionately bring the Homeless problem to an end. Mr. Baughman advised that allowing zoning like this to move forward could make the conversation more difficult and asked the Commission to reconsider.

Jacqueline Bowens of 9 E. All Saints advised she has been fighting this battle since 1950 and because of the issues can't sell her house. Ms. Bowens advised that people wake her up early in the morning because they are a crossed the street. She wanted to thank the neighbors for having her back as she is tired of fighting all by herself.

Michael Levengood 35 E. All Saints is concerned about the change from transitional housing. He advised within the last few years the problems have increased significantly and that many people in there condominium won't leave the condo at night or during the day as they had issues and are scared. Mr. Levengood has supported the mission. He advised he is against the application.

Allen Feinberg of 234 E. Church Street advised that he is not directly affected but has worked with the homeless for 3 years and calls them friends. He advised trauma and poverty can make the situation difficult for them. He thinks that it's an appropriate idea to look at different options. He advised there needs to be a central place for services.

Adam Leviton 129 S. Market advised he supports his neighbors and that everything they have said about the problems and crime is true.

Mike Spurrier Director of the FCAA explained to the commission and public the changes from transitional housing to the SRO (Permanent supportive housing) and that there would be 15 bedrooms. He advised there will be staff 24 hours a day. He advised that HUD is defunding transitional housing and moving towards funding more permanent supportive housing.

Jim Schmersal of 35 E. All Saints advised that IST is a floating zone. He advised that he thinks that this slipped through the cracks during the comprehensive plan and should have been zoned IST. He advised that like his neighbors have said, they do have a lot of problems and that they need to be addressed, however, advised that the application should have a positive recommendation to the Mayor and Board.

Matthew Klokel of 28 W. All Saints advised that he would like to see confirmation and studies verifying the demographics of the neighborhood.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to send a positive recommendation to the Mayor and Board of Aldermen for the Zoning Map Amendment request, PC19-387ZMA for 100 S. Market Street from Downtown Commercial/Residential (DB) to Institutional (IST) while maintaining the Historic Preservation Overlay (HPO). After receiving Staff’s recommendations, public testimony, and having considered the impacts on population change, the availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development, and the relationship with the Comprehensive Plan, the Commission finds the following in accordance with Section 306(e)(8) pertaining to the placement of a floating zone:

1. The existing and proposed use is classified as a “Religious/Social Mission” and per Section 404, Table 404-1 of the LMC it is a permitted use in the IST district;
2. The existing and proposed development is compatible with the character of the existing uses in the vicinity; and
3. The proposed rezoning is in harmony with the Housing and Economic Development Elements of the 2010 Comprehensive Plan.

SECOND: Commissioner Burns

Alderman Russell asked for clarification on the decision points used to classify 100 S. Market as a “Religious/Social Mission” as opposed to something different and how staff supported that definition which allows for temporary uses is consistent with what is proposed for permanent uses. Alderman Russell asked staff to address her questions in the letter to the Mayor & Board.

VOTE: 5-0.

VIII. NEW BUSINESS:

G. PC19-668PCM, Fence Modification, 208 Magnolia Avenue

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

Thera Posthuma of 209 Grove Blvd. advised that she doesn’t understand how the 10 ft fence will help with the privacy issue on the second floor . She feels that allowing the fence will change the character and aesthetics of the community. Ms. Posthuma is against the application.

Mark Posthuma of 209 Grove Blvd. agrees with Theresa Posthuma and advised the fence being requested is too much. He doesn’t feel the 10ft fence is necessary.

PLANNING COMMISSION ACTION:

MOTION: Commission Perkins moved to deny the modification for PC19-668PCM, for the construction of 10’ tall fencing in a residential zoning district finding that:

1. The modification does not meet all of the criteria of Section 309(j)(4) in that it is contrary to the purpose and intent of the Code as a maximum height of 6’ has been determined to be the appropriate height in residential districts necessary to prevent adverse impacts on the streetscape and adjoining properties, and that
2. The modification does not meet all of the criteria Section 821(d)(2) in that:

- a. The proposed height of 10' is not consistent with the scale and design of fencing in the surrounding community or other residential properties in general; and
- b. The increased height of 10' creates the potential for adverse impacts in terms of reduced light and air to the adjoining property that would otherwise not be experienced by similar residential properties.

SECOND: Commissioner Menelas

VOTE: 4-1. (Commissioner Strawson Opposed)

H. PC19-271FSI, Final Site Plan, Taxiway C Aircraft Hangar Building

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 to the property landscaping requirements of Section 605(c) (4) in accordance with Section 309(j) of the LMC, 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 so as to meet overall objectives of the particular requirement.

SECOND: Commissioner Strawson

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for approval of the Final Site Plan (PC19-271FSI) for the Taxiway C Aircraft Hangar Buildings 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. The Applicant must provide the approved MAA and FAA forms and revise Note 11 to indicate approval dates.
- 2. The Applicant must revise Note 6, 6.2 to indicate the date of the approval of the modification by the Planning Commission.
- 3. The Applicant must revise Note 9, 9.1 to reference the case number of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan (PC19-690FSCB).

SECOND: Commissioner Strawson

VOTE: 5-0.

I. PC19-690FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Taxiway C Aircraft Hangar Building

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Menelas moved for approval of the of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, PC19-690FSCB, to pay a fee in lieu of mitigation in the amount of \$25,351.92 for the mitigation of 1.94 acres, based on compliance with all applicable standards of Section 721 of the LMC and consistency with the 2010 Comprehensive Plan, with the following condition:

1. Provide a letter from the Maryland Department of Natural Resources Wildlife and Heritage Service to demonstrate that no official State or Federal records exist for listed plant or animal species within the project limits and that there is no concern regarding the impact of development on the site.

SECOND: Commissioner Strawson

VOTE: 5-0

J. PC19-415FSI, Final Site Plan, Frederick County TransIT Facility Expansion

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 approval of the modification to Section 607, Table 607-4 to the requirement for one large loading space based on the size of the building finding that:

1. The modification will not be contrary to the purpose and intent of the Code based on the specific operational characteristics of the administration building does not require designated loading spaces as evidenced by the type of delivery and mail it receives.
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 of the particular requirement in that the Applicant is proposing a small loading (9' x 20') area with signage.

SECOND: Commissioner Menelas

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for conditional approval of the Final Site Plan, PC19-415FSI to construct a 5,660sqft building to the existing administration building and a 5,042sqft electric bus enclosure finding that the plan complies with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC, that it is consistent with the 2010 Comprehensive Plan, and that the public facilities to serve the site are adequate with the following condition:

1. The landscaping plan must be signed and sealed by a registered landscape architect.
2. Add a note to the plan indicating the loading requirement and the date and approval of the request for the modification to the loading standard.

SECOND: Commissioner Menelas

VOTE: 5-0.

K. PC19-413FSI, Final Site Plan, 46 S. Market Street

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

Jim Schmersal of 35 E. All Saints advised that they have been working with the applicants. He advised that the modification for the dumpster enclosure to have a roof Maxwell Place associations support. Applaud the applicant having the gate.

Jacqueline Bowens of 9 E. All Saints advised her backyard adjoins the property for the proposed parking area and asked if it will be a brick structure or a gravel parking lot.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for approval of the modification to Section 601, to Table 601-2 to the access drive separation requirement to reduce the separation distance to 89ft along Market Street and 66ft from E. All Saints Street finding that:

1. The modification will not be contrary to the purpose and intent of the Code because all of the existing on-street parking spaces will remain and the site will not have direct impact to on- street parking;
2. The modification is consistent with the 2010 Comprehensive Plan in that it is compatible with the character of the surrounding area; and
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement because the site will have onsite parking.

SECOND: Commissioner Strawson

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for approval of the modification to Section 803 to allow for the trash enclosure to be 0' from the adjacent property line finding that:

1. The modification will not be contrary to the purpose and intent of the Code as the scale and massing of the enclosure will not create adverse impacts on the adjoining property owner; and
2. The modification is consistent with the 2010 Comprehensive Plan in that it is compatible with the character of the surrounding area and promotes a safe, healthy and attractive development; and
3. Consistency with the historic district guidelines will ensure an enclosure that is architecturally compatible with the existing and proposed development in the area which will compensate for the reduced setback.

SECOND: Commissioner Strawson

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for conditional approval of the Final Site Plan, PC19-413FSI to construct a 3,618 sf addition to the existing building located at 46 S. Market Street and for the installation a parking lot at 50-70 S. Market Street finding that the plan complies with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC, that it is

consistent with the 2010 Comprehensive Plan, and that the public facilities to serve the site are adequate with the following conditions:

1. Obtain approval from the Mayor and Board of Aldermen for the amended agreement for the improvements inside the Carroll Creek Linear Park.
2. Revise Note 37 to indicate that the marker will be relocated subject to City approval as part of the construction of the site's frontage improvements.
3. Revise Note #36 to include the APFO approval date.
4. Revise the modification note to reflect the approval date of the entrance spacing modification and add a reference to the modification to Section 803 and its approval.
5. Receive approval from the Historic Preservation Commission for the trash storage area to include a roofed enclosure and must receive the architectural sheets to reflect enclosed structure approved by the HPC.

SECOND: Commissioner Strawson

VOTE: 5-0.

L. PC19-284PSU, Preliminary Plat, Riverside Center (At Home)

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 Preliminary Plat (PC19-284PSU) for 1811 Monocacy Blvd, 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. Correct Note 7 to read, "Forest: See Combined Forest Stand Delineation and Preliminary Forest Conservation Plan (PC19-286FSCB)"
2. Edit History Note 13 to include previous plan cases as listed in the staff report.
3. Label landscape easement areas as landscape forest credit easements with individual acreages.
4. Darken and clearly show street trees.
5. Obtain unconditional approval of the associated Combined Forest Stand Delineation and Preliminary Forest Conservation Plan (PC19-286FSCB) with approval date added to the Plat.
6. Show on the plat all existing and proposed easements.
7. On Lot 12B-3, provide a 25' truncation for dedication at the corner of Monocacy Blvd and the private drive easement to the south and correct Note 8 Area Summary accordingly.
8. Edit Note 15 as follows: Lots 12B-2 and 12B-3 shall contribute \$15,000 and \$11,000, respectively, toward the construction of a traffic signal at Monocacy Boulevard and Laurel Woods Way intersection at time of grading or building permit, whichever comes first, for individual lots.
9. Edit Note 16 as follows: In the future, access to Monocacy Blvd for the properties (Lots 12B-1A, 12B-2 and 12B-3) will be reevaluated with the submittal of a site plan for each individual lot.
10. Add a note stating: Two shared access easement agreements between the lots shall be recorded prior to final plat recordation: 1) shared access easement for continued use of the RI/RO drive and 2) an access easement through Lot 12B-1A for Lots 12B-2 and 12B-3.

SECOND: Commissioner Burns

VOTE: 5-0.

M. PC19-282FSI, Final Site Plan, Riverside Center (At Home)

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 605(e) *Landscape Buffers and Berms* in order to eliminate Level I the buffer along the internal lots line in order to create a unified shopping center and eliminate the Level II buffer adjacent to the PRK (Open Space) zoning district, based on LMC Section 309(j) criteria:

1. The modification will not be contrary to the purpose and intent of the Code which is to buffer between separate, standalone uses as this is planned for a unified shopping center;
2. The modification is consistent with the Community Character and Design Element of the Comprehensive Plan by encouraging the infill of vacant or underutilized property in and around the business core; and
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement as no expansion of impervious surface will occur and protection of landscape as forest credits is provided.

SECOND: Commissioner Burns

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve the of modification to Section 605(g) Parking Lot Interior Landscaping Requirements to allow for existing conditions with 5% (10,451 s.f) landscaping and 20 or more continuous parking spaces without interior landscaping, based on LMC Section 309(j) criteria:

1. The modifications will not be contrary to the purpose and intent of the Code which is to reduce imperviousness while still allow for minimum parking standards to be met;
2. The modification is consistent with the Community Character and Design Element of the Comprehensive Plan by encouraging the infill of vacant or underutilized property in and around the business core; and
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement as no expansion of impervious surface will occur and protection of landscape as forest credits is provided.

SECOND: Commissioner Burns

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve the of modification to Section 863(d) Standards that apply to All Shopping Centers and Big Box Stores to reduce the 10' shopping center parking setback, based on LMC Section 309(j) criteria:

1. The modification will not be contrary to the purpose and intent of the Code to support reasonable and existing development;

2. The modification is consistent with the Community Character and Design Element of the Comprehensive Plan by encouraging the infill of vacant or underutilized property in and around the business core; and
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement for the site to appear and function as a unified shopping.

SECOND: Commissioner Burns

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for conditional approval of the Final Site Plan (PC19-282FSI) for 1811 Monocacy Blvd finding that the plan complies with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC, that it is consistent with the 2010 Comprehensive Plan, and that the public facilities to serve the site are adequate with the following conditions:

1. Verify and correct the number of trees provided as part of the interior parking lot landscaping requirement.
2. Revise Note 15 to indicate that a site plan enforcement agreement will be executed upon unconditional approval of the site plan.
3. Final Plat STF19-577FSU must be recorded.
4. Clearly show the paving and overall parking lot area and verify the interior parking lot landscaping number.
5. Obtain unconditional approval of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan (PC19-286FSCB) and add approval date to Note 8.
6. Correct Signage Note 13 and add that all signage shall be approved under building permits.
7. Signage easement on Lot 12B-2 shall be recorded prior to Final Plat STF19-577FSU recordation and easement references added to the plat.
8. Add the Preliminary Plat Note 16 to the site plan.
9. Show 25' truncation for dedication on Lot 12B-3 at corner of Monocacy Blvd and south private drive easement.
10. Correct the typo on Landscape Sheet 3 from 605(d) to 605(e).
11. Correct plan to address attached Surveyor comments.
12. The Landscaping Plan must be signed/sealed by a registered LA.
13. Provide two (2) bike racks for four (4) bicycle parking spaces based on the City Standard detail and the detail to be added to the plan.

SECOND: Commissioner Strawson

VOTE: 5-0

N. PC19-286FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Riverside Center (At Home)

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 for conditional approval of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan (PC19-286FSCB) for 1811 Monocacy Blvd, in accordance with the criteria found in LMC Section 721 of the LMC and consistency with the Maryland Forest Conservation Act., with the following conditions to be met:

1. Add protection signage symbols around the proposed landscape credit areas.
2. Provide protection signage details on plan noting that 50% of the signage remains in perpetuity.
3. Add a note that owner shall enter into and record short and long term forest conservation easement agreements for the landscape credit areas along with secured guarantees at time of Final Forest Conservation Plan approval.
4. Prior to unconditional approval of the plan, the existing trees shall be inspected for health condition and any determined to be in poor condition will be noted on plan to be replaced.
5. Show 25' truncation to be dedicated on Lot 12B-3.
6. Label 10' dedication along Monocacy Blvd and remove trees from dedication area.

SECOND: Commissioner Strawson

VOTE: 5-0.

O. PC19-411ANX, Annexation, Lupcho Property

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to send a positive recommendation to the Mayor and Board of Aldermen for the requested R8, Medium Density, zoning to be placed on the Lupcho Property if annexed into the City and in consideration of the request, supports terms of annexation including as noted in the resolution printed in the staff report to be achieved by the applicant in negotiating with other agencies in working up to a final approval if so appropriate by Mayor and Board:

1. That the requirements of Section 721 of the Land Management Code (LMC) be met through onsite afforestation or retention.
2. That the Applicant be responsible for facilitating the dedication of right-of-way necessary for the construction of Grove Hill Road from the limits of the State Highway Administration (SHA) right-of-way to the boundary of the annexation.
3. That the Applicant be responsible for the construction of Grove Hill Road from Route 40 to Huntsman Road to City Standard for a local road.
4. That the Applicant provide a per unit contribution towards the construction of the pedestrian bridge/sidewalk along Route 40.
5. That the Applicant may not apply for building permits until the deficiencies in the sewer infrastructure serving the site have been mitigated, unless the Applicant contribute a pro rata share towards the cost of mitigation.

SECOND: Alderman Russell

VOTE: 5-0.

P. PC19-566ZTA, Text Amendment, Manufacturing/Office Zone, Sections 404, 405, 406, 832, and 1002 of the Land Management Code (LMC)]

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved 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 Strawson

VOTE: 5-0.

Meeting approximately adjourned at 10:40 pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant

APPROVED 9/09/2019