

Planning Commission Hearing Minutes
Date: October 14, 2019

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair Ron Burns – Vice Chair Kelly Russell – Alderman & Secretary Joan Strawson Dorothy Menelas		Gabrielle Collard, Division Manager of Current Planning Scott Waxter, Assistant City Attorney Marshall Brown, City Planner

I. CALL TO ORDER:

II. ANNOUNCEMENTS:

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

- The City is in the process of doing the 2020 Comprehensive Plan update. There is a webpage specific to the update on the City of Frederick website with different opportunities for public involvement to include an interactive mapping application for comments and a questionnaire as well as updates for upcoming meetings.
- The City of Frederick is also taking Land Use Reclassification applications that can be found on the Comprehensive Plan page that can be found under Planning on the City of Frederick Website.
- Materials for the October 21, 2019 Planning Commission Workshop is available online.

III. APPROVAL OF MINUTES:

Approval of the **September 9, 2019** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Menelas

VOTE: 5-0.

Approval of the **September 16, 2019** Planning Commission Workshop Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Menelas

VOTE: 5-0.

Approval of the **October 11, 2019** Pre-Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Menelas

VOTE: 5-0.

IV. PUBLIC HEARING-CONSENT ITEMS:

(All matters included under the Consent Agenda are 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.)

V. CONTINUANCES:

A. PC19-659MU, Master Plan, Monocacy Center

PLANNING COMMISSION ACTION:

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

SECOND: Alderman Russell

VOTE: 5-0.

VI. MISCELLANEOUS:

B. PC16-63FSI, The Preserve at Tuscarora

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for approval of an extension to June 10, 2021.

SECOND: Commissioner Strawson

VOTE: 5-0.

C. PC13-195-02PND, Architectural Review, Kellerton

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of PC13-195-02PND, architectural elevations and model types for the detached single-family dwelling units and new architectural elevations for townhouse units per the requirements of LMC Section 604, *Building and Urban Design Standards*, for the Kellerton Planned Neighborhood Development (PND), Land Bays A and B.

SECOND: Commissioner Menelas

VOTE: 5-0.

VII. OLD BUSINESS: None

VIII. NEW BUSINESS:

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of the combined preliminary plat and final site plan for the Visitation Academy Adaptive Reuse project, PC18-1118PSU/FSI, in compliance with all of the applicable criteria of the LMC, conformance with the 2010 Comprehensive

Plan, and the adequacy of facilities and services to accommodate the impacts of the development, with the following conditions of approval:

1. Update note #22 on the site plan regarding completion of archaeological assessment.
2. An MPDU agreement between the City and the Applicant will be signed and recorded in the Land Records of Frederick County and note #15 must be updated to include the recording reference.
3. That the parkland fee-in-lieu payment of \$33,000 will be received by the City.
4. Revise the case number referenced in note #8 pertaining to the forest conservation plan to read PC18-1120FSCB.

SECOND: Commissioner Burns

VOTE: 5-0.

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of a modification to Section 721(d) (2) of the LMC, as documented in the staff report and the Applicant's justification statement, 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 Menelas

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of the combined preliminary forest conservation plan/forest stand delineation, PC18-1120FSCB, based on the findings in accordance with Article 7, Section 721, Forest Conservation with the following conditions:

1. The note pertaining to the archeological assessment be updated to reflect its completion.
2. A note is added to the plan referencing the approved modification.

SECOND: Commissioner Menelas

VOTE: 5-0.

F. PC19-753ZMA, Zoning Map Amendment, Frederick Town Mall

David Newman of 1347 Butterfly Lane who is the President of the Golden Mile Alliance supports the change in zoning and advised there was unanimous support by the board for the change.

PLANNING COMMISSION ACTION:

This is the first of two required hearings.

G. PC19-883ZMA, Text Amendment, Section 810, Entertainment at Eating and Drinking Establishments

Jim Bauckman of 17 W. South Street who represents the Brewers Association of Maryland, The Maryland Distillers Guild and Maryland Winery Association and ask the Commission to approve the application and move it forward.

Kara Norman with the Downtown Frederick Partnership advised they are excited to see the application moving forward as they support the application.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns 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.

IV. COMMISSION BUSINESS:

Election of Officers

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson motioned to nominate Commissioner Burns as Vice Chair of the Planning Commission

SECOND: Alderman Russell
VOTE: 5-0.

Meeting approximately adjourned at 7:00 pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant

APPROVED 11/12/2019