

## Planning Commission Hearing Minutes

Date: January 13, 2020

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair Ron Burns – Vice Chair Kelly Russell – Alderman & Secretary Joan Strawson Dorothy Menelas Patrick Campbell- Alternate Member		Gabrielle Collard, Division Manager of Current Planning Scott Waxter, Assistant City Attorney Sherry Kelly, City Planner Jessica Murphy, Administrative Assistant Cherian Eapen, City Traffic Engineer

### I. CALL TO ORDER:

### II. ANNOUNCEMENTS:

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

- Materials for the Tuesday, January 21, 2020 Planning Commission Workshop are available online.
- The City of Frederick Planning Commission will hold three special workshops over the next several weeks to continue the drafting of the 2020 Comprehensive Plan. The plan, which is being informed by public input from two questionnaires and stakeholder and community meetings, guides how The City of Frederick will develop. The purpose of the workshops is to discuss the draft plan and accept public comment. All meetings will be held at The City of Frederick Municipal Office Annex (Conference Room C) at 140 West Patrick Street, Frederick MD 21701.

#### **Planning Commission Special Workshop 1**

Date: Saturday, January 25, 2019

Time: 1:00 P.M. – 5:00 P.M.

Agenda:

- Introduction
- Land Use
- Water Resource

#### **Planning Commission Special Workshop 2**

Date: Saturday, February 8, 2019

Time: 1:00 P.M. – 5:00 P.M.

Agenda:

- Transportation
- Municipal Growth
- Environmental Sustainability
- Historic Preservation

#### **Planning Commission Special Workshop 3**

Date: Saturday, February 15, 2019

Time: 1:00 P.M. – 5:00 P.M.

Agenda:

- Community Character and Urban Design
- Housing

- Economic Development
- Recreation
- Fiscal
- Implementation

**III. APPROVAL OF MINUTES:**

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

**MOTION:** Commissioner Strawson

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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

**MOTION:** Commissioner Strawson

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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Approval of the **January 10, 2020** Pre-Planning Commission Meeting Minutes as amended:

**MOTION:** Commissioner Strawson

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**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.)

**A. PC19-885FSI, Final Site Plan, National Tire & Battery**

The Applicant is requesting approval for the construction of a 5,822 square foot automobile service center at 1701 Kingfisher Drive. **(NAC #4) (Collard)**

**PLANNING COMMISSION ACTION:**

Commissioner Burns requested that the item be removed from the consent agenda. Commissioner Nicklas removed the item and moved it to item B on the agenda under new business.

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**V. CONTINUANCES: None**

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**VI. MISCELLANEOUS:**

**A. FY2021-2026 Capital Improvement Program**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns motioned to submit to the Mayor and Board a list of Capital Improvements that the Planning Commission find desirable to be constructed during the fourth coming CIP period as noted in the entire staff report and as requested by BPAC and the Sustainability Commission and their respective letters to the Mayor & Board and in particular calling the City to advance East Street improvements as a top priority such as 7<sup>th</sup> Street extended and the East Street trail.

**SECOND:** Commissioner Strawson

**VOTE:** 3-2. (Commissioner Nicklas & Alderman Russell opposed)

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**VII. OLD BUSINESS: None**

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**VIII. NEW BUSINESS:**

**B. PC19-885FSI, Final Site Plan, National Tire & Battery**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the final site plan for the National Tire and Battery at 1701 Kingfisher Drive; 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 site will be adequately served by public facilities with the following conditions:

1. That the Applicant document sight distance at the proposed access point on Kingfisher Drive and that the Applicant locate the two new street trees in a manner which does not impede visibility.
2. That a note be added to the plan stating, "The Applicant will work with the Engineering Department to design appropriate ADA accessible improvements including crosswalks and handicap ramps along Kingfisher Drive during the improvement plan review process."

**SECOND:** Commissioner Burns

**VOTE:** 5-0.

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**C. PC19-880FSI, Final Site Plan, Rollins Funeral Home**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the final site plan (PC19-880FSI) for Rollins Funeral Home, 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 2010 Comprehensive Plan, and that the site will be adequately served by public facilities, with the following conditions:

1. Remove the red maples and replace with evergreens along the entire property line adjacent to the daycare;
2. Provide all revision dates in revision block.

**SECOND:** Commissioner Menelas

**VOTE:** 5-0.

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**D. PC19-876FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Rollins Funeral Home**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan (PC19-876FSCB) for Rollins Funeral Home, to pay a fee in lieu of mitigation in an amount of 331.50 based on compliance with all applicable standards of Section 721 of the LMC and consistency with the 2010 Comprehensive Plan, with the following conditions:

1. Show the street trees on the plans and provide a plan schedule;
2. Provide all revision dates in the revision block.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**E. PC19-995FSI, Final Site Plan, Sycamore Ridge**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the Final Site Plan (PC19-995FSI) for Sycamore Ridge Townhomes, 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, the approved master plan, and preliminary plat, and that the site will be adequately served by public facilities with the following conditions:

1. Provide an additional survey benchmark that is within or near the site that can be shown on Sheet 2/9 or 3/9;
2. Replace the White Spruce with Green Giant Arborvitae or equivalent.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**F. PC19-988FSI, Final Site Plan, Northgate Fire Company**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of a modification to Section 601, Table 601-2, *Separation Standards*, to reduce the required entrance spacing on a collector road from 100' to 83', finding that:

1. The modification will not be contrary to the purpose and intent of the Code as the exit for the apparatus bay will only be used by emergency equipment; and
2. The modification is consistent with the Comprehensive Plan in supporting emergency infrastructure in this area of the City; and
3. That the two access points of entry and one exit for fire apparatus only is a compensating design feature as it ensures adequate and safe access to the station which is the overall objective of the requirement.

**SECOND:** Commissioner Strawson

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of a modification to Section 605(f) to reduce the number of required street trees from six to two, finding that:

1. The modification will not be contrary to the purpose and intent of the Code as the Applicant has provided the maximum number of trees possible avoiding conflicts with utilities while accommodating for unique ingress and egress needs; and
2. The modification is consistent with the Comprehensive Plan in supporting emergency infrastructure in this area of the City; and
3. That the plantings provided are designed to meet overall objectives of the requirement.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of a modification to Section 605(d) to the Level I lot line buffer requirement finding that:

1. The modification will not be contrary to the purpose and intent of the Code in that compensating features are used to accommodate for site constraints that limit the planting ability; and
2. The modification is consistent with the Comprehensive Plan in supporting emergency infrastructure in this area of the City; and
3. That fencing and hedges are provided as compensating design so as to meet overall objectives of the requirement.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of a modification to Section 605(d) to the Level II parking lot buffer requirement finding that:

1. The modification will not be contrary to the purpose and intent of the Code in that compensating features are used to accommodate for site constraints that limit the planting ability; and
2. The modification is consistent with the Comprehensive Plan in supporting emergency infrastructure in this area of the City; and
3. That fencing and hedges are provided as compensating design so as to meet overall objectives of the requirement.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of a modification to Section 605(c)(4) for the property landscaping requirements to reduce the number of overall required trees on the property from 20 to 10, finding that:

1. The modification will not be contrary to the purpose and intent of the Code as the Applicant has provided the maximum number of trees possible while designing the site specifically to accommodate the circulation of large emergency services vehicles; and
2. The modification is consistent with the Comprehensive Plan in supporting emergency infrastructure in this area of the City; and
3. That the plantings provided are designed to meet the overall objective of the requirement while accommodating for utilities, impervious surfaces and site visibility.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of a modification to Section 607, Table 607-2, the *Parking Schedule*, to reduce the number of required parking spaces from 59 to 47 finding that:

1. The modification will not be contrary to the purpose and intent of the Code in that the Applicant has considered the unique needs of the specific user to determine that adequate parking will be provided at the reduced rate;
2. The modification is consistent with the Comprehensive Plan in supporting emergency infrastructure in this area of the City; and
3. That the increased pervious surface and landscaping afforded to the site by the reduction in parking are consistent with the overall objectives of limiting the amount of parking onsite.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of a modification to Section 607(h) the loading requirements to eliminate the one large (12' x 50') loading space, finding that:

1. The modification will not be contrary to the purpose and intent of the Code in that the Applicant has considered the unique needs of the specific user and alternative means of accommodating loading on the site; and
2. The modification is consistent with the Comprehensive Plan in supporting emergency infrastructure in this area of the City; and
3. That the area located behind the apparatus bay and the apparatus bay itself will serve as a compensating design feature to accommodate any loading needs that the station may have thereby meeting the overall objective of the requirement.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the final site plan for the Northgate Fire Station at 37 Thomas Johnson Drive finding that the plan complies all 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 site will be adequately served by public facilities, with the following conditions to be met:

1. The proposed seating benches along the frontage of the site must be depicted and labeled on the plan to comply with the Building and Urban Design Standards of Section 604.
2. All approved modifications must be noted on the plan including the approval date.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**G. PC19-567FSI Final Site Plan, Prospect View, Lot 2A**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for approval of the final site plan for Prospect View, Lot 2A at 577 Himes Avenue 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 site will be adequately served by public facilities, with the following conditions:

1. Revise Note #20 on Sheet 1 of 6 to be consistent with the retention and afforestation amounts depicted on PC19-568FSCB
2. Revise Note #21 on Sheet 1 of 6 to be consistent with the General Landscape Notes on Sheet 5 of 6.

**SECOND:** Commissioner Strawson

**VOTE: 5-0.**

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**H. PC19-568FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Prospect View, Lot 2A**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the modification to Section 721 of the LMC to allow for the removal of Specimen Trees 6, 7, and 12 finding that:

1. The topography, floodplain, and dispersion of the specimen trees on the site are conditions peculiar to the property under which the enforcement of the regulations would cause unwarranted hardship.
2. That due to the unique conditions, the enforcement of the regulations would render any development on the Property infeasible.

3. That similar modifications have been granted to other applicants with unique conditions and as such, granting the modification will not confer on the Applicant a privilege that would be denied to other applicants
4. That the modification is not based on conditions or circumstances, which are the result of actions by the Applicant;
5. That the request does not arise from a condition relating to land or building use, either permitted or nonconforming, in a neighboring property; and
6. That granting of a modification will not adversely affect water quality.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of the combined forest stand delineation and preliminary forest conservation plan for Prospect View, Lot 2A at 577 Himes Avenue finding that the plan complies with Section 721 of the LMC with the following condition:

1. That Note #10 be updated to indicate approval of the modification to remove specimen trees 6, 7, and 12.

**SECOND:** Commissioner Menelas

**VOTE: 5-0.**

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Meeting approximately adjourned at 7:20 pm

Respectfully Submitted,

Jessica Murphy  
Administrative Assistant