

Planning Commission Hearing Minutes
Date: July 13, 2020

| 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 Joe Adkins, Deputy Director of Planning & Community Development Scott Waxter, Assistant City Attorney Jessica Murphy, Administrative Assistant Pam Reppert, Planner III Sherry Kelly, Planner II Cherian Eapen, Traffic Engineer Richard Griffin, Economic Development Mary Ford-Naill, Economic Development |

I. CALL TO ORDER:

II. ANNOUNCEMENTS:

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

- Planning Commission Workshop July 20, 2020 items are available online.

III. APPROVAL OF MINUTES:

Approval of the **June 8, 2020** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Menelas

VOTE: 5-0.

Approval of the **June 15, 2020** Planning Commission Workshop Meeting Minutes as amended:

MOTION: Commissioner Burns

SECOND: Commissioner Strawson

VOTE: 5-0.

Approval of the **July 10, 2020** Planning Commission Pre-Planning 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:** None

VI. **MISCELLANEOUS:** None

VII. **OLD BUSINESS:** None

VIII. **NEW BUSINESS:**

A. **PC19-889PSU/FSI, Combined Preliminary Plat and Final Site Plan, Bloomfields**

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve the Bloomfields (PC19-889PSU/FSI) modification to Section 607(b)(1), Table 607-1 of the Land Management Code to modify the minimum number of parking spaces required for the townhouse/villa units (VL-A and VL-B) and the single family detached/cottage units (SFD-E) finding that:

1. The modification is not contrary to the purpose and intent of Section 607 of the LMC in that the Applicant has demonstrated that there will be sufficient parking to serve the community through the combination of onsite and on-street parking;
2. The modification is consistent with policies of the Land Use, Transportation, Environmental, Community Character and Design, Housing, and Recreation Elements of the 2010 Comprehensive Plan; and
3. The design and diversity of unit types made possible by allowing for one-car garages and the provision of parking in excess of the minimum required through additional on-street parking serve as compensating design features.

SECOND: Commissioner Strawson

VOTE: 5-0.

B. **PC20-374PSU, Preliminary Plat, Riverside Corporate Center (Sanner Farm)**

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve the Preliminary Plat (PC20-374PSU) for Riverside Corporate Park/Project Synergy finding that the plan complies with all of the applicable criteria of Article 5 of the LMC and Articles 4, 6, 7, and any applicable sections of Article 8, the supplemental use regulations, with the following conditions to be met:

1. Show the existing gas lines on the plan.

2. Correct Note 7, the sewer treatment is provided by the City, not County.
3. Add the previous Preliminary Plat case number and approval date to Note 20.
4. Change Lots 407A and 410 western property line setback to side 15'; there is no road frontage.
5. Correct Area Summary with 7.32 acres of forest conservation on lots and total * note.
6. Add that the signage is approved through building permit process with the City to Note 18.
7. Confirm the right-of-way width of Progress Drive, correct the typical detail, and label accordingly with Engineering staff approval.
8. Change typical title for Public Synergy Way at Entrance to Synergy Way at Gas House Pike.
9. Sheet 1, the trail path is existing so the word "proposed" should be deleted.
10. The Progress Drive typical should have 5' sidewalk and not the 8' concrete trail.

SECOND: Commissioner Burns

VOTE: 5-0

C. PC20-373FSI, Final Site Plan, Project Synergy at Riverside Research Center, Lot 409

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of the Final Site Plan (PC20-373FSI) for Project Synergy finding that the plan complies with Articles 4, 6, 7, 8 and 12 of the LMC, the approved master plan, the 2010 Comprehensive Plan and that the site will be served by adequate facilities with the following conditions:

1. Provide proof of Riverside Research Center POA approval of elevations.
2. Show existing gas lines on the plan.
3. Correct Note 20, the sewer treatment is provided by the City, not County.
4. Add the Preliminary Plat PC20-374PSU approval date and the Final Plat STF20-477FSU recordation date and recording references to Note 1.
5. Add the approval date for the Final Forest Conservation Plan STF20-336FFCP to Note 15.
6. Obtain unconditional approval of the preliminary plat and forest conservation plan and record the final plat
7. Provide the approval date from MAA in Note 18.
8. Provide the recording references of the forest protection easements for the landscape buffer credit areas on Lots 409 and 410.
9. Confirm and correct the note on Sheet 3 referencing 605(c)(4) to 418 trees provided.
10. Revise the Sight Distance exhibit to show the measured sight distances (ISD of 324 feet to the left and 364 feet to the right) and AASHTO Stopping Sight Distance (SSD)/Intersection Sight Distance (ISD) requirements only (155 feet and 280 feet, respectively for the posted speed limit of 25 mph and provide SSD information. The sight triangles and AASHTO table should be added to the site plan.
11. Submit the application and fee for the phased Stormwater Management Quality and Quantity Waiver and update Note 12 to include the approval date.
12. Revise Note 23 to read, "The development is subject to a Development Rights and Responsibilities Agreement (DRRA) executed on May 28, 2009 recorded in L.7431 F. 259 and road and utility contributions included therein."
13. Change the street name Digital Way to Synergy Way on the vicinity map.

SECOND: Commissioner Menelas

VOTE: 5-0.

D. PC20-78FSU, Final Subdivision Plat, Wolcott & Van Ryzin

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for approval of the final plat (PC20-78FSU), Wolcott and VanRyzin, finding that the plat complies with all of the applicable criteria of Section 507 and 515 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. The ROW encroachment agreement must be recorded prior to recordation of the final plat and a note stating, "Property is subject to a right-of-way encroachment agreement submitted in conjunction with this plat" and include the recording reference added to the plat.
2. Add a north arrow on the vicinity map and provide NAD 83/91 text on the north arrow.
3. Show the surveyed Westinghouse, Church, Kerr and Co. right-of-way lines.
4. Delete Note 7 as it is a repeat of Note 6.
5. Update Note 4 on the plan to include the APFO General Exemption (Water, Sewer, Roads) approval date.
6. Prior to plat recordation, the sidewalk in front of 106 W. 5th Street must be repaired.

SECOND: Commissioner Strawson

VOTE: 5-0.

E. HPC20-474ZMA, Zoning Map Amendment 636 Solarex Court

Richard Griffin with the City of Frederick Economic Development submitted a letter into the record in support of AstraZeneca's request to withdraw their application for demolition.

Dave Severn with Offit Kurman, representing AstraZeneca, advised that AstraZeneca is the successor to Medimmune and is a drug manufacturer, mainly for cancer drugs. He advised there was a deed restricted covenant with the MD Historic Trust and in March of 2015 that the deed was found legally unenforceable and was terminated. The Historic Trust at that point just encouraged the owner to work within the guidelines. He advised that AstraZeneca's intent was never to preserve the buildings, but to use the lot for expansion in the future. He advised that Frederick is AstraZeneca's largest manufacturing facility. Mr. Severn advised that he asked the HPC to reconsider the decision but didn't receive a response. He discussed what he felt is a conflict between the overlay and the M1 zoning and discussed the comprehensive plan. Mr. Severn advised that AstraZeneca accepts responsibility for the application but was unaware of the City's policies. He advised that they would be withdrawing the demolition and site plan applications and asked that the overlay be denied. AstraZeneca would like to start over to fully develop and reevaluate how to proceed. Mr. Severn advised that this application requires more study from the City and by AstraZeneca.

Anthony Enger with AstraZeneca explained that they have 26 factories with the largest being in Frederick. He advised they deal with oncology and respiratory diseases. Mr. Enger advised that they have

700 employees and ½ live in Frederick. He asked for the City to continue to support the organization and not to hinder growth. Mr. Enger advised they are opposed to the application.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve a positive recommendation to the Mayor and Board of Aldermen for the placement of an HPO on 636 Solarex Court after considering the findings of the HPC and other potential planning issues, finding that the placement of the HPO is consistent with policies of the Historic Resources Element.

SECOND: Commissioner Menelas

VOTE: 4-1. (Commissioner Nicklas opposed)

F. PC20-186ZMA, Zoning Map Amendment, 515 S. Market Street

PLANNING COMMISSION ACTION:

This is the first of two required public hearings.

Meeting approximately adjourned at 8:40 pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant