

Planning Commission Hearing Minutes
Date: August 10, 2020

| PC MEMBERS | PC MEMBERS ABSENT | STAFF PRESENT |
|--|--------------------------|--|
| Barbara Nicklas – Chair Ron Burns – Vice Chair Kelly Russell – Alderman & Secretary Joan Strawson Dorothy Menelas Shannon Sperati- Alternate Member | | 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 Cherian Eapen, Traffic Engineer |

I. CALL TO ORDER:

II. ANNOUNCEMENTS:

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

- Planning Commission Workshop August 17, 2020 items will be available online Tuesday, August 11, 2020 and will include the Comprehensive Plan updates.
- Introduction of the Planning Commission new Alternate Shannon Sperati.

III. APPROVAL OF MINUTES:

Approval of the **July 13, 2020** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Burns

VOTE: 5-0.

Approval of the **July 20, 2020** Planning Commission Workshop Meeting Minutes as amended:

MOTION: Commissioner Burns

SECOND: Commissioner Menelas

VOTE: 5-0.

Approval of the **August 7, 2020** Planning Commission Pre-Planning Meeting Minutes as amended:

MOTION: Commissioner Menelas

SECOND: Commissioner Strawson

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. PC20-205FSI, Final Site Plan, Governor's Place

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve a 30-day continuance to the September 14, 2020 Planning Commission hearing.

SECOND: Commissioner Strawson

VOTE: 5-0.

VI. MISCELLANEOUS: None

VII. OLD BUSINESS:

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

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 rezoning of a 12.74-acre portion of 515 S. Market, the Mt. Olivet Cemetery, to apply the Institutional (IST) floating zone based on the findings of fact made in the staff report relative to population change, the availability of public facilities, the impacts on present and future transportation patterns, compatibility with existing and proposed development, and consistency with the Comprehensive Plan and finding that:

1. The proposed use is permitted in the IST zone and that the measures for citing a facility specific to IST uses have been considered and that further compliance with all the applicable criteria of Section 409 will be evaluated through subsequent development process;
2. The proposed construction of senior living facility is compatible with the character of the existing uses in the vicinity which include a variety of residential and nonresidential land uses; and
3. The proposed rezoning is harmony with the Municipal Growth and Housing Elements of the 2010 Comprehensive Plan.

SECOND: Commissioner Menelas

VOTE: 5-0.

VIII. NEW BUSINESS:

C. PC20-383FSU, Final Subdivision Plat, KAI Property Investments, LLC Lots 1 and 2 for West South Street Lots 1A, 1B, 2A & 2B

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve the final subdivision plat PC20-383FSU to subdivide two lots into four lots finding that the plat conforms to the Comprehensive Plan, including the transportation element, as well as all of the applicable criteria of the LMC including Section 405, 505(e) and 507(c), with the following conditions to be met:

1. Execute and record the private shared access easements for parking and place recording references on the plat.
2. Execute and record the right-of-way encroachment agreements with the City and place recording references on the plat.

SECOND: Commissioner Menelas

VOTE: 5-0.

D. PC19-1123FSI, Final Site Plan, Hamilton Square

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve of a modification to Section 605 for the Level II parking lot screening as documented in the staff report and in the Applicant's justification statement, finding that:

1. The request is not contrary to the purpose and intent of the Code as the parking located along the shared lot lines on the opposite sides of Falcon Lane are intended to serve the overall development and to create cross access;
2. The request is consistent with the LU Policy 1 of the Land Use Element and TE Policy 12 of the Transportation Element of the 2010 Comprehensive Plan; and
3. That the extension of the alley to serve in its traditional capacity as a location for rear access to site development serves as a compensating design feature.

SECOND: Commissioner Burns

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve of a modification to Section 607(d)(2), which requires that all parking lot lighting be contained within the property boundaries as documented in the staff report and in the Applicant's justification statement, finding that:

1. The request is not contrary to the purpose and intent of the Code as the lots are designed to allow for cross access and shared parking and the lot spillover ensures adequate lighting for safety for these cross connections;
2. The request is consistent with the LU Policy 1 of the Land Use Element and TE Policy 12 of the Transportation Element of the 2010 Comprehensive Plan; and
3. That the extension of the alley to serve in its traditional capacity as a location for rear access to site development serves as a compensating design feature.

SECOND: Commissioner Menelas

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve a positive recommendation from the Planning Commission to the Mayor and Board of Aldermen for a waiver of the parkland dedication requirements of Section 608 based on the following:

1. The development is located across Hamilton Avenue from Grove Park and is within walking distance to Sagner Park, both of which provide active recreational opportunities for the residents of the community;
2. The development will include onsite community amenities, including a business center, fitness room, and community room as well as a new crosswalk connection from the development to Grove Park; and
3. The 2010 Comprehensive Plan does not identify the need for additional parkland in this area.

SECOND: Commissioner Burns

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve the final site plan for Hamilton Square, PC19-1123FSI, finding that the plan complies with all of the applicable criteria of Articles 3, 4, 5, 6, 8 and 12 of the LMC, the 2010 Comprehensive Plan, the Moderately Priced Dwelling Unit provisions of Chapter 19 of the City Code and that the site will be adequately served by public facilities, with the following conditions:

1. The final plat must be recorded prior to unconditional approval of the final site plan.

2. The Applicant must receive approval of a waiver of the parkland dedication requirements of Section 608 of the Land Management Code or must make a payment of \$1,000.00 per dwelling unit due prior to recordation of the final plat.
3. The Applicant must provide proof of the approval of the Form 7460-1 by the Maryland Aviation Administration (MAA) and the Federal Aviation Administration (FAA) and Note 17 on the plan must be updated accordingly.
4. Relocate two fire hydrants as requested by the fire protection engineer in the comments dated 7/16/2020.
5. The Moderately Priced Dwelling Unit Agreement must be executed prior to unconditional approval and the recording reference added to the plan.
6. Revise Note 16 to indicate that the site plan enforcement agreement will be executed prior to building permit *issuance*.
7. Remove all landscaping from shrubbery and trees from the proposed and existing public utility easements replace with tall ornamental grasses or similar treatments.
8. Verify the accuracy of the names for the continuation of proposed public streets.
9. Revise Note 9 to include a reference to the phased stormwater management waiver.
10. Revise Note 21 to indicate the approval dates of the modifications.

SECOND: Commissioner Strawson

VOTE: 5-0.

E. PC19-1124FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Hamilton Square

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for unconditional approval of the combined forest stand delineation and preliminary forest conservation plan for Hamilton Square, PC19-1124FSCB, finding that the plan complies with Section 721 of the LMC with the fee in lieu of payment totaling \$3,809.40.

SECOND: Commissioner Menelas

VOTE: 5-0.

F. PC20-90FSI, Final Site Plan, Crossroads Wine

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of a modification to Section 605, Table 605-3 for the Level I lot line screening between Lots 1 and 2 as documented in the staff report and in the Applicant's justification statement, finding that:

1. The request is not contrary to the purpose and intent of the Code as the lots are designed to allow for cross access and shared parking making screening between the two uses unnecessary;

2. The request is consistent with the Land Use Element Policy 1 of the 2010 Comprehensive Plan, which is to encourage development to be compatible with the character of existing or planned development in the vicinity; and
3. The benches and planters provided on the site as well as the number of trees provided above the minimum required per Section 605 serve as compensating design features.

SECOND: Commissioner Menelas

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for approval of a modification to Section 607(g)(1)(B) for the 25' setback required for shopping center parking lots from all street or alley rights-of-way as documented in the staff report and in the Applicant's justification statement, finding that:

1. The request is not contrary to the purpose and intent of the code as the area requested for modification directly abuts Interstate 70 at a substantially lower grade, thereby obstructing its visibility and creating no adverse impact on the pedestrian streetscape;
2. The request is consistent with the Land Use Element Policy 1 of the 2010 Comprehensive Plan, which is to encourage development to be compatible with the character of existing or planned development in the vicinity; and
3. That the design of the site at a substantially lower grade than Interstate 70 prevent any adverse impacts on pedestrian streetscapes or viewsheds and serve as a compensating design feature.

SECOND: Commissioner Strawson

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of a modification to Section 607(d)(2), which requires that all parking lot lighting be contained within the property boundaries as documented in the staff report and in the Applicant's justification statement, finding that:

1. The request is not contrary to the purpose and intent of the Code as the lots are designed to allow for cross access and shared parking and the lot spillover ensures adequate lighting for safety for these cross connections;
2. The request is consistent with the Land Use Element Policy 1 of the 2010 Comprehensive Plan which is to encourage development to be compatible with the character of existing or planned development in the vicinity; and
3. The number of site trees and interior parking lot landscaping both that bot exceeds the minimum requirements of Section 605 serve as compensating design features.

SECOND: Commissioner Menelas

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for approval of a modification to Section 864, Table 864-1 to increase the Per Lot Maximum Size and/or the Maximum Percentage of Building Front for signage attached to the building as documented in the staff report and in the Applicant's justification statement, finding that:

1. The request is not contrary to the purpose and intent of the Code in that the amount of signage depicted on the architectural elevations is reasonable and appropriate for identifying businesses and serves and does not result in excess visual clutter which is distracting or hazardous to pedestrian or vehicular traffic;
2. The request is consistent with the Land Use Element Policy 1 of the 2010 Comprehensive Plan, which is to encourage development to be compatible with the character of existing or planned development in the vicinity; and
3. The elimination of a freestanding sign is a compensating design feature that will minimize visual clutter along the public streets.

SECOND: Commissioner Menelas

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of the final site plan for Crossroads, PC20-90FSI, finding that the plan complies with all of the applicable criteria of Articles 3, 4, 5, 6, 8 and 12 of the LMC, the 2010 Comprehensive Plan, and that the site will be adequately served by public facilities, with the following conditions:

1. The final plat case STF20-91FSU must be recorded prior to unconditional approval of the final site plan.
2. The building height in Note 4 and labeled on the site plan for Building 1 must be revised to 39' per the architectural elevations.
3. Add a note to the plan indicating that per Section 309(1), Phase 2 must begin pursuant to an approved building permit within three years after completion of Phase 1.
4. Revise Note 11 to indicate that freestanding signage is not permitted on Lot 2.
5. Revise the plan to indicate the approval dates of the modifications.

SECOND: Commissioner Menelas

VOTE: 5-0.

G. PC20-92FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Crossroads Wine

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved for unconditional approval of the combined forest stand delineation and preliminary forest conservation plan for Crossroads, PC20-92FSCB, finding that the plan complies with Section 721 of the LMC with the fee in lieu of payment totaling \$3,136.00.

SECOND: Commissioner Strawson

VOTE: 5-0.

Meeting approximately adjourned at 8:15 pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant

APPROVED 9/14/2020