

Planning Commission Hearing Minutes
Date: February 14, 2022

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Joan Strawson – Vice Chair Ronald Beattie – Secretary Dorothy Menelas Ben MacShane, Alderman	Barbara Nicklas – Chair	Gabrielle Collard, Division Manager of Current Planning Joe Adkins, Deputy Director of Planning/Community Dev. Brandon Mark, Division Manager of Community Planning and Urban Design David Simon, Planner II Pam Reppert, Planner III Cherian Eapen, Traffic Engineer Zack Kershner, Director of Public Works Marc DeOcampo, Executive Assistant of Administration Scott Waxter, Assistant City Attorney Jessica Murphy, Planner Technician

I. CALL TO ORDER:

II. ANNOUNCEMENTS:

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

- Planning Commission Workshop Tuesday, February 22, 2022, items will be available on the City of Frederick website.
- The NAC Planning Presentation is at 6pm also on the 22nd.
- Accepting applications for Planning Commission Alternate on the City of Frederick website.

III. APPROVAL OF MINUTES:

Approval of the **January 10, 2021**, Planning Commission Pre- Planning Minutes as amended:

MOTION: Commissioner Menelas

SECOND: Commissioner Beattie

VOTE: **3-0.** Alderman MacShane abstained.

Approval of the **January 18, 2021**, Planning Commission Workshop Meeting Minutes as amended:

MOTION: Commissioner Menelas

SECOND: Commissioner Beattie

VOTE: **3-0.** Alderman MacShane abstained.

Approval of the **February 11, 2021** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Menelas

SECOND: Commissioner Beattie

VOTE: **4-0.**

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: N/A

VI. MISCELLANEOUS:

A. Capital Improvement Program (CIP) FY2023-2028

PLANNING COMMISSION ACTION:

MOTION: Commissioner Beattie moved for a recommendation to the Mayor and Board to support the inclusion of the following items:

1. Continued support and funding be provided for CIP Project #210009, the New Police Headquarters, and for CIP Project #380416 the Conference Center Parking Facility.
2. That a new project be added to the CIP for FY2023-2028 for the Monocacy Blvd/MD Route 26 interchange and that upon agreement with SHA, the City make funds available during the FY2023-2028 period to participate in the conceptual designs for Monocacy Blvd.
3. Continued support and funding for CIP Project #320036 for East Street improvements that incorporates elements advocated for by the East Street Corridor Small Area Plan including, sidewalks, lighting, and street furniture in areas where missing or inadequate as well as addressing pedestrian crossings at prominent intersections.
4. That a new project be added to the CIP for FY2023-2028 for the continuation of Pine Avenue connecting to either 6th or 7th Street.
5. That future funding be provided in the CIP for FY2023-2028 for the completion of all phases of the Rails with Trails improvements.

SECOND: Commissioner Menelas

VOTE: 4-0.

VII. OLD BUSINESS:

B. PC1155MU, Master Plan, Wayside Apartments – 423 E. Patrick Street

PLANNING COMMISSION ACTION:

MOTION: Commissioner Menelas moved for a positive recommendation from the Planning Commission to the Mayor and Board of Aldermen for the master plan finding that the plan complies with the applicable criteria of Section 417 of the LMC, *Mixed Use Districts (MU-1 and MU-2)*, with the following comments to be addressed prior to submission of the master plan for the Mayor and Board's consideration:

1. Edit Note 6 to move the last two sentences to Note 5 as part of the * note.
2. Correct typo "sight" to "site".
3. Add to Note 11 the following: Per Chapter 19-6 of the City Code, in order to obtain the first building permit associated with the project, the Applicant must execute an MPDU Agreement. The MPDU Agreement must provide for the required number of MPDUs for the entire development project and must indicate the housing type and location of each MPDU.

SECOND: Commissioner Beattie

VOTE: 4-0.

C. PC21-192ZMA, Zoning Map Amendment, Monocacy Boulevard Parcels C, E, and F

PLANNING COMMISSION ACTION:

MOTION: Commissioner Beattie moved to recommend that the Mayor and Board deny application PC21-192ZMA.

SECOND: Commissioner Menelas

VOTE: 3-0. Alderman MacShane abstained.

VIII. NEW BUSINESS:

D. PC21-1435PCM, Planning Commission Modification, 1512 Cedarcrest Lane

PLANNING COMMISSION ACTION:

MOTION: Commissioner Menelas moved for approval of the modification for PC21-1435PCM as requested.

SECOND: Commissioner Beattie

VOTE: 4-0.

E. PC20-972FSI, Final Site Plan, Automotive Enhancements

PLANNING COMMISSION ACTION:

MOTION: Commissioner Beattie moved for approval of a modification to Sec. 605(f) for relief from the street planting requirement along Brookfield Court and Wormans Mill Court.

SECOND: Commissioner Menelas

VOTE: 4-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Menelas moved for approval of PC20-972FSI for the construction of a 7,800 square foot (sf) vehicle services, auto repair shop with the following conditions:

1. Revise Sheet 1, the APFO note to indicated that the Full Certificates of water line and sewer line (CAPF-WL and CAPF-SL, respectively) were issued on 6/8/2021 and the road exemption issued on 6/9/2021.
2. Revise Sheet 1, note 18 to indicate that the letter of no further action was issued on 6/9/2021.
3. Revise Sheet 1, note 17 to add the case number for the forest conservation plan.
4. Provide general note stating the horizontal and vertical datums of the site.
5. Provide a surveyor's certification stating that a topographic survey has been performed per "COMAR" regulation 09.13.06.04.
6. Revise Sheet 6 to indicate the date of the Planning Commission's approval of the requested modification to the street tree requirement.

SECOND: Commissioner Beattie

VOTE: 4-0.

F. PC21-336FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Automotive Enhancements

PLANNING COMMISSION ACTION:

MOTION: Commissioner Beattie moved to for unconditional approval of combined forest stand delineation and preliminary forest conservation plan PC21-336FSCB for Automotive Enhancements.

SECOND: Commissioner Menelas

VOTE: 4-0.

G. PC21-329PSU, Preliminary Plat, Bowers Park

Jessica Bassett of Frederick is opposed to the project with concerns of green space, wildlife, flooding, traffic, crime, law enforcement and schools.

A caller of 7044 Rock Creek Drive has concerns about extra traffic.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Beattie moved to approve a modification of Table 605-3 *Buffer and Screening by District or Use* to eliminate the Level I buffer along the common property line with the Birdseye View subdivision.

SECOND: Commissioner Menelas

VOTE: 4-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Menelas moved for approval of a modification to Section 605(f) Street Tree Landscaping Requirements in order to place street trees on private lots and within easements for City maintenance.

SECOND: Commissioner Beattie

VOTE: 4-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Beattie moved to approve a modification to Section 611(e)(1) to place stormwater management facilities in the public right-of-way.

SECOND: Commissioner Menelas

VOTE: 4-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Menelas moved for approval for revised Bowers Park Preliminary Plat (PC21-329PSU) to be reconfigured and decrease lots from 21 single-family lots to 18 single-family lots with the following conditions:

1. Provide LOD lines on lots that contain specimen trees to be saved in accordance with the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan.
2. Adjust the LOD line on Lot 15 to match the Specimen Tree #2 Earthwork Disturbance Exhibit for minimizing the impact on the CRZ.
3. Sheet 7, add the missing specimen tree 9 label on Lot 17.
4. Sheet 7, minimize the storm drain out of the CRZ of specimen tree 31.
5. Sheet 1, Note 1, move the closing parenthesis “)” to the end of the sentence.
6. Sheet 6 for road section profile for alternative 2, correct the tree panel minimum to 8.5’ to sum the road width of 50’.
7. Sheet 3, add note that a draft of the HOA documents to be submitted for staff review prior to recording documents and prior to plat recordation.
8. Sheet 8, under general notes, add the note that “a licensed tree expert to perform root pruning for impacted specimen trees or edge of retention areas prior to any grading on site.”

9. Provide approval from the County and City for a street name to replace Vestoge Circle and correct references to the road section with name.
10. Revise coordinates to NAD83/91 datum.
11. Provide the area of the roads being dedicated.
12. Obtain unconditional approval of Preliminary Forest Conservation Plan.

SECOND: Commissioner Beattie

VOTE: 4-0.

H. PC21-331PSU, Preliminary Plat, Birdseye View Estates

Jessica Bassett of Frederick is opposed to the project with concerns of green space, wildlife, flooding, traffic, crime, law enforcement and schools.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Menelas moved to approve a modification of Table 605-3 *Buffer and Screening by District or Use* to eliminate the Level I buffer along the common property line with the Bowers Park subdivision.

SECOND: Commissioner Beattie

VOTE: 4-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Beattie moved to approve a modification to Section 605(f) Street Tree Landscaping Requirements in order to place street trees on private lots and within easements for City maintenance.

SECOND: Commissioner Menelas

VOTE: 4-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Menelas moved to approve a modification to Section 611(e)(1) to place stormwater management facilities in the public right-of-way.

SECOND: Commissioner Beattie

VOTE: 4-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Beattie moved for approval of revised Birdseye View Preliminary Plat (PC21-331PSU) to reconfigure and increase lots from 38 single-family lots to 41 single-family lots with the following conditions:

1. Sheet 1, Note 1, place the closing parenthesis “)” at the end of the sentence.
2. Sheet 7 for road section profiles alternative and alternative 2, correct the tree panel minimum to 8.5’ to sum the road width of 50’.
3. Sheet 3, add note that a draft of the HOA documents to be submitted for staff review prior to recording documents and prior to plat recordation.
4. Sheet 9, under general notes, add the note that “a licensed tree expert to perform root pruning for impacted trees on edge of retention areas prior to any grading on site.”
5. Provide approval from the County and City for a street name to replace Vestoge Circle and correct references to the road section with name.
6. Clearly delineate lines for the denied access along Bowers Road.
7. Sheet 8, verify the street tree numbers to be provided on plan and correct street tree numbers in tables, if applicable.

SECOND: Commissioner Menelas

VOTE: 4-0.

I. PC21-330PFCP, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Bowers Park, and Birdseye View Estates

Christy Brandenburg of Middletown MD is opposed to the plan and would like trees removed per previous plan. Ms. Brandenburg would also like the fee in lieu increased, and a meeting with the owner regarding SWM.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Menelas moved to approve a modification of Section 721 *Forest Conservation*, subsection (b)(3) *Modifications*, to remove 26 specimen trees out of 30.

SECOND: Commissioner Beattie

VOTE: 4-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Beattie moved for approval for the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan (PC21-330FSCB) for the two associated preliminary plats for Bowers Park and Birdseye View Estates with the following conditions:

1. Sheet 5, show LOD line in the inset details of specimen trees demonstrating and providing the percentage of disturbance.

2. Change the LOD line for specimen tree #2 to mirror the presented impact shown in the specimen tree #2 earthwork disturbance exhibit.
3. Correct the Specimen Tree table on Sheet 3 for specimen tree #2 CRZ impact to 7.3%.
4. Sheet 4, show protection fencing and signage at the CRZ protection area of the specimen trees to be saved.
5. Remove the word "Preliminary" from the title of the earthwork disturbance exhibit.
6. Correct Afforestation Area D plant schedule to reflect the required 116 trees.
7. Sheet 7, General Note 21, edit to state "prior to improvement plan or grading permit approvals."
8. Verify the street tree numbers for the Birdseye View Estates contribution towards credit to match the Preliminary Plat numbers.
9. Verify and correct note for the afforestation acres, the retention acres, street tree number credit and the acres for fee-in-lieu of payment.
10. Sheet 4, correct note to state that the FILO will be paid prior to improvement plan approval and/or issuance of grading permit, whichever comes first.

SECOND: Commissioner Menelas

VOTE: 4-0.

Meeting approximately adjourned at 9:00 pm

Respectfully Submitted,

Jessica Murphy
Planner Technician