

Planning Commission Hearing Minutes
Date: June 13, 2022

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair Joan Strawson – Vice Chair Ronald Beattie – Secretary Ben MacShane, Alderman	Dorothy Menelas	Gabrielle Collard, Division Manager of Current Planning Scott Waxter, Assistant City Attorney Pam Reppert, Planner III Sharon Suarez, Planner II Sherry Kelly, Planner II David Simon, Planner II Jennifer Van de Griek, Administrative Assistant

I. CALL TO ORDER:

II. ANNOUNCEMENTS:

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

- Reminder- City offices will be closed Monday, June 20, 2022 in observance of Juneteenth. Planning Commission Workshop will be Tuesday, June 21st at 2pm, in-person, items will be available on the City of Frederick website.
- The Citywide Planning Division Community Outreach Meeting is also Tuesday, June 21st, at 6pm.
- There are vacancies on both the Planning Commission and the Historic Preservation Commission. Information is available on the website.

III. APPROVAL OF MINUTES:

Approval of the **May 9, 2022**, Planning Commission Meeting Minutes:

MOTION: Commissioner Strawson

SECOND: Commissioner Beattie

VOTE: 4-0.

Approval of the **May 16, 2022**, Planning Commission Workshop Minutes

MOTION: Commissioner Strawson

SECOND: Commissioner Beattie

VOTE: 4-0.

Approval of the **June 10, 2022**, Planning Commission Pre-Planning Commission Meeting Minutes

MOTION: Commissioner Strawson

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. **2021 Annual Report**

B. **PC14-913-07MU, Architectural Review, Renn Quarter**

PLANNING COMMISSION ACTION:

MOTION: Commissioner Beattie moved for approval of architectural elevations PC14-913-07MU for the Alec and Jade single-family models for the Renn Mixed Use (Renn Quarter) development with the following conditions:

1. Obtain unconditional of PC14-913-03MU Architectural Review.
2. Provide a complete architectural design package/booklet that includes the new elevations.

SECOND: Commissioner Strawson.

VOTE: 4-0.

VII. **OLD BUSINESS:**

C. **PC21-641FSI, Final Site Plan, Overlook East (Wayside Apartments)**

Kevin Sellner, of E 5th Street, urged the Planning Commission to “think to the future” and encouraged more attractive buildings in a style similar to Union Mills. He would like to have the largest, most mature trees as possible planted, and their maintenance considered, as increasing the City’s tree canopy is very important. He also thinks we should get creative in order to ensure the availability of affordable housing and MPDU funding.

PLANNING COMMISSION ACTION 1:

MOTION: Commissioner Strawson moved for approval of modifications to Section 420(f)(3) *Height, Placement, Orientation, and Massing* to increase the maximum front setback from 2’ to 51.3’ from E. Patrick Street to Building A and the side setback of 10’ to 139.6’ from the eastern side property line to Building B.

SECOND: Commissioner Beattie.

VOTE: 4-0.

PLANNING COMMISSION ACTION 2:

MOTION: Commissioner Beattie moved for approval of a modification to Section 420(g)(4)(f) to allow two parking bays to extend beyond 90' without the inclusion of a parking island.

SECOND: Commissioner Strawson.

VOTE: 4-0.

PLANNING COMMISSION ACTION 3:

MOTION: Commissioner Strawson moved for approval of a Certificate of Urban Design Compliance.

SECOND: Commissioner Beattie.

VOTE: 4-0.

PLANNING COMMISSION ACTION 4:

MOTION: Commissioner Strawson moved for the Certificate of Architectural Compliance along with the following modifications to be continued to the July 11, 2022, Planning Commission hearing:

1. Modification to Section 420-5 *Design Guidelines Requirements* to allow for cementitious siding start below 40' at 10' and 30' above the ground.
2. Modification to Section 420-5 *Design Guidelines Requirements* to eliminate the stone masonry with substitution of brick for the wall base.
3. Modification to Section 420-5 *Design Guidelines Requirements* to eliminate the primary entrance off the Carroll Creek side for Building B.

SECOND: Commissioner Beattie.

VOTE: 4-0.

PLANNING COMMISSION ACTION 5:

MOTION: Commissioner Beattie moved for approval of a modification to Section 601, Table 60-1 to reduce the separation distance between the access to the site and the nearest access point from the required 200' as required on an arterial road to 47.2'.

SECOND: Commissioner Strawson.

VOTE: 4-0.

PLANNING COMMISSION ACTION 6:

MOTION: Commissioner Strawson moved for approval of a modification to Section 605(f) to allow for existing trees on site to serve as street trees on private property.

SECOND: Commissioner Beattie.

VOTE: 4-0.

PLANNING COMMISSION ACTION 7:

MOTION: Commissioner Strawson moved for approval of Final Site Plan PC21-641FSI for the Overlook East (aka Wayside Apartments) development to construct two (2) multifamily buildings for a total of 79 units and to renovate the existing multifamily building into six (6) units with the following conditions to be met:

1. Label and/or note the elements in compliance with Section 604 on the elevations.
2. Confirm that the front façade of Building A has at least 15% windows and entryways.
3. Landscape plan needs to be signed and sealed by a registered landscape architect.
4. Show a 5' wide lead in sidewalk along the west side of the entry drive from E. Patrick Street by reducing the drive from 24' to 22'.
5. Add a note stating that prior to building permit issuance the final plat (Case PC21-904FSU) must be recorded.
6. Update the main entrance to reflect standard detail 3.0.

SECOND: Commissioner Beattie.

VOTE: 4-0.

VIII. NEW BUSINESS:

D. PC21-642PFCP, Preliminary Forest Conservation Plan, Overlook East (Wayside Apartments)

PLANNING COMMISSION ACTION 1:

MOTION: Commissioner Beattie moved for approval of a modification to remove specimen trees 1 and 3-7.

SECOND: Commissioner Strawson.

VOTE: 4-0.

PLANNING COMMISSION ACTION 2:

MOTION: Commissioner Strawson moved for approval of the preliminary forest conservation plan, PC21-642PFCP, for the Overlook East development with the following condition to be met:

1. Edit General Note #5 as follows: . . . specimen tree 2 when grading or construction begins, whichever comes first.

SECOND: Commissioner Beattie.

VOTE: 4-0.

E. PC21-904FSU, Final Plat, Wayside Property

PLANNING COMMISSION ACTION:

MOTION: Commissioner Beattie moved for approval of the Final Plat, PC21-904FSU, for the Overlook East development with the following conditions to be met:

1. Execute and record all public easements agreements and place recording references on the plat.
2. Execute and record the access easement agreement for J&K emergency access and place recording references on the plat.
3. Delineate on the plat the street tree access and maintenance easement area.
4. Execute and record the street tree access and maintenance agreement and place recording references on the plat.
5. Delete Health Department signature block.

SECOND: Commissioner Strawson.

VOTE: 4-0.

F. PC22-178FSI, Final Site Plan, Waverley View Part 1

PLANNING COMMISSION ACTION 1:

MOTION: Commissioner Beattie moved for approval of a waiver of Section 606, Table 606-1, *Projections and Encroachments into Yards*, subsections G and H, to permit a patio in the front yard.

SECOND: Commissioner Strawson.

VOTE: 4-0.

PLANNING COMMISSION ACTION 2:

MOTION: Commissioner Strawson moved for approval of a modification to Section 821, *Fences, Walls and Hedges*, to permit a front yard hedge and fence for screening retaining walls and/or patio.

SECOND: Commissioner Beattie.

VOTE: 4-0.

PLANNING COMMISSION ACTION 3:

MOTION: Commissioner Beattie moved for approval to revise the previously approved final site plan by amending the details for rear-loaded townhouse units with detached garages/on-lot surface parking and integral rear-loaded garages/on-lot surface parking to provide front yard patios for a maximum of 35 units, with the following conditions to be met:

1. Site Plan Sheet 3 in lot details:
 - a. Note pervious pavers;
 - b. 5' distance from patio to front property line; and
 - c. Dimensions of standard patio.
2. In design booklet:
 - a. Add the fence detail for the retaining walls and height;
 - b. Sheet 12 fencing plan, include in the legend what fence types will be used for single-family units, multifamily and towns, and the red symbol appears to be also shown as rear fencing for single families. Include fence symbol for the retaining wall fence for only Lots 41-43.
3. Site Plan Sheet 10, label the front setback line for Lots 41-50.

4. Add the required shrubs to the landscaping plant schedule.
5. Substitute the Compacta Holly with a shrub not to exceed 3' at mature height and approved by staff.
6. Label the maximum height of the wrought iron fence on or behind the retaining walls is 3'.

SECOND: Commissioner Strawson.

VOTE: 4-0.

G. PC21-1245PSU, Preliminary Plat, Summers Farm Butterfly Lane/ Old Camp Road Extended & City Park

PLANNING COMMISSION ACTION 1:

MOTION: Commissioner Strawson moved for approval of a modification to Section 605(f) to accommodate street trees on the Property outside of the right-of-way.

SECOND: Commissioner Beattie.

VOTE: 4-0.

PLANNING COMMISSION ACTION 2:

MOTION: Commissioner Beattie moved for approval of a modification to Section 611(n), which requires a median of at least the designated width be provided and landscaped at a density equivalent to a Level 1 buffer.

SECOND: Commissioner Strawson.

VOTE: 4-0.

PLANNING COMMISSION ACTION 3:

MOTION: Commissioner Strawson moved for approval of the PC21-1245PSU, Preliminary Plat for Summers Farm with the following conditions:

1. Update case history to include Planning Commission approvals to modify Sections 605 and 611.
2. Comply with the requirement to have the landscape plan signed and sealed by a Maryland Registered Landscape Architect.
3. Obtain approval from the Mayor and Board of Aldermen for the acceptance of dedication to contain forest conservation plantings and note that approval on the plan accordingly.
4. Receive approval of a name for Street H and update the plan accordingly.
5. Add a note to the plan that states, "*At the time of improvement plan review and at the election of the developer, landscaping may be proposed within the median of Butterfly Lane/Old Camp Road subject to species selection and placement being approved by City staff and all future maintenance by the Homeowner's Association.*"

SECOND: Commissioner Beattie.

VOTE: 4-0.

H. PC21-1246PFCP, Preliminary Forest Conservation Plan, Summers Farm Butterfly Lane/ Old Camp Road Extended & City Park

PLANNING COMMISSION ACTION 1:

MOTION: Commissioner Beattie moved for approval of a modification to Section 721(d)(2)(C) of the LMC for the removal of four (4) specimen trees.

SECOND: Commissioner Strawson.

VOTE: 4-0.

PLANNING COMMISSION ACTION 2:

MOTION: Commissioner Strawson moved for approval of the Preliminary Forest Conservation Plan, PC21-1246PFCP for the Summers Farm with the following condition:

1. Execution of a City of Frederick Agricultural Declaration of Intent to exempt 4.30 acres of agricultural land from Section 721 of the LMC.
2. Add a note to Sheet 4 indicating the approval date of the modification to Section 721 for the removal of specimen trees.
3. Correct the Forest Conservation Worksheet to show 4.30 acres will remain in agricultural land, and recalculate requirements.
4. Label the areas to be planted within the parkland dedication as “Park Plant” areas.

SECOND: Commissioner Beattie.

VOTE: 4-0.

I. PC21-349PSU, Preliminary Plat, EastPark

PLANNING COMMISSION ACTION 1:

MOTION: Commissioner Beattie moved for a recommendation from the Planning Commission to the Mayor and Board of Aldermen to enter into an agreement with the Applicant to defer dedication of the right-of-way and construction of Lindley Road beyond its intersection with EastPark Way.

SECOND: Commissioner Strawson.

VOTE: 4-0.

PLANNING COMMISSION ACTION 2:

MOTION: Commissioner Strawson moved for approval of the Preliminary Plat, PC21-349PSU, for EastPark with the following conditions:

1. Update Note 23 on Sheet 1 to indicate that prior to the recordation of the first lot within the subdivision, if the applicant does not intend to design, guarantee, and construct the section of Lindley Road within the right-of-way reservation as depicted on the plan in accordance with Sec. 506 of the LMC, that a deferral agreement must be approved by the Mayor and Board, executed by both parties, and recorded.

2. Add the following note to the plat, *“The location of stormwater management (SWM) facilities depicted within future City parkland shall only be permitted if approved by the Mayor and Board of Aldermen based upon a recommendation of the Parks and Recreation Commission. Such approval will be subject to the execution of an easement and/or agreement stipulating maintenance responsibilities by the developer which must be recorded prior to final plat recordation for the first lot on the preliminary plat.”*
3. Add the following note to the plat, *“Stormwater management (SWM) facilities located within Runway Inner Safety Zone shall be required to meet any and all requirements of the City and Federal Aviation Administration (FAA).”*
4. Update Note 7 on Sheet 1 to reference the archeological letter of no further investigation and the approval date.
5. Update Note 14 on Sheet 1 to include the approval date for the CAPF-Roads.
6. Update Note 17 on Sheet 1 to include the approval date for the stormwater plan that was approved on 6/5/21.
7. Update Note 18 on Sheet 1 to state that Street “B” is now EastPark Way.
8. Update Sheet 7 so that the entire table for the Street Tree Landscape Schedule is visible on the plan.
9. The surveyor’s certificate on Sheet 1 must be signed.

SECOND: Commissioner Beattie.

VOTE: 4-0.

J. PC21-352PFCP, Preliminary Forest Conservation Plan, EastPark

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of the Preliminary Forest Conservation Plan, PC21-352PFCP, for the EastPark property with the following conditions:

1. The surveyor’s certificate on Sheet 1 must be signed

SECOND: Commissioner Beattie.

VOTE: 4-0.

K. PC21-1010PND, Master Plan, Grove Hill Planned Neighborhood Development (PND)

Brenna St. Ours, of 5968 Grove Hill Road, believes the density of the proposed development, the lack of green buffer, and the lack of noise mitigation and storm water runoff planning will destroy the character of her neighborhood. She proposes that the building setbacks and lot sizes should not be reduced, and modifications to existing zoning requirements should not be allowed without further environmental and impact studies and neighborhood stakeholder input. She has concerns about the development affecting existing wells and septic systems, and is worried about privacy, sound mitigation, and air quality, as well as stormwater runoff.

Wynn Ingham, of 5970 Grove Hill Road is concerned about runoff. He says there’s been flooding at the shopping center below the site with the existing vegetation present and is worried that it will be worse once some of it is removed and there is more blacktop. He urges a proper stormwater mitigation study.

Robert Webb, of 5972 Grove Hill Road is concerned about losing the open space behind his house. He would like to see pictures of the planned development, particularly which way the houses will face, how tall they will be, and if there's going to be a fence. He would like more information about the project.

Michael Banks, Market Manager for Connoisseur Media, raised concerns about the radio towers on the adjacent commercial site. He hopes there has been a study of the interaction between the proposed buildings and the towers' fall radiuses and is worried about securing the high voltage AM towers so that new residents don't get too close. He wants the area to be clearly marked as a Commercial area that is dangerous and off limits.

PLANNING COMMISSION ACTION:

This is the first of two required public meetings.

Meeting approximately adjourned at 10:10 pm.

Respectfully Submitted,

Jennifer Van de Griek
Administrative Assistant