

**Planning Commission Hearing Minutes
March 12, 2012**

| PC MEMBERS | PC MEMBERS ABSENT | STAFF PRESENT |
|---|-------------------|---|
| Meta Nash Josh Bokee Alderman Russell Elisabeth Fetting Rick Stup | | Gabrielle Dunn-Division Manager of Current Planning Joe Adkins-Deputy Director for Planning Brandon Mark-City Planner Devon Hahn-City Traffic Engineer Scott Waxter-Asst. City Attorney Carreanne Eyler-Administrative Assistant |

I. ANNOUNCEMENTS:

Commissioner Nash announced that item A has been pulled from the agenda and will be moved to the April 9, 2012 Planning Commission Hearing.

II. APPROVAL OF MINUTES:

Approval of the **February 10, 2012** Pre-planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Alderman Russell.
VOTE: 4-0. (Commissioner Fetting had not arrived yet.)

Approval of the **March 9, 2012** Pre-planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Commissioner Bokee.
VOTE: 4-0. (Commissioner Fetting had not arrived yet.)

Approval of the **February 13, 2012** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Commissioner Bokee.
VOTE: 4-0. (Commissioner Fetting had not arrived yet.)

Approval of the **February 21, 2012** Planning Commission Workshop Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Commissioner Bokee.
VOTE: 3-0. (Commissioner Fetting had not arrived yet & Commissioner Nash abstained.)

III. ELECTION OF OFFICERS:

Commissioner Bokee nominated Commissioner Nash as Chairman. Alderman Russell seconded the motion with a 3-0 vote. (Commissioner Fetting had not arrived yet.)

Commissioner Stup nominated Commissioner Bokee as Vice Chairman. Alderman Russell seconded the motion with a 3-0 vote. (Commissioner Fetting had not arrived yet.)

Commissioner Stup nominated Alderman Russell as Secretary. Commissioner Bokee seconded the motion with a 4-0 vote.

IV. PUBLIC HEARING-SWEARING IN:

“Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth.” If so, answer “I do”.

V. PUBLIC HEARING-CONSENT ITEMS:

(All matters included under the Consent Agenda are considered to be 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.)

VI. MISCELLANEOUS:

Commissioner Stup announced that he was the Vice Chair of TSAC, but didn't feel that there was any conflict with acting on the Request, and Commissioner Fetting also disclosed that she was a member of TSAC.

Commissioner Stup moved to hear the application for the text amendment for PND Applicability, PC12-046ZTA, to follow the Point of Rocks Railroad Platform item.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Stup.
SECOND: Commissioner Bokee.
VOTE: 5-0.

A. Point of Rocks Railroad Platform

Mr. Jonathan Warner, Advisory Member for the Transportation Services Advisory Council (TSAC), stated that a stop at the Point of Rocks train station is critical to the expansion of service to the Frederick MARC line. There have been major problems with CSX on the construction of this new platform and the end result is to get CSX to agree to a new platform extension. He asked the Planning Commission for their support.

PLANNING COMMISSION ACTION TO SIGN LETTER OF SUPPORT:

MOTION: Commissioner Bokee.
SECOND: Commissioner Stup.
VOTE: 5-0.

D. PC12-046ZTA-Zoning Text Amendment, PND Applicability

INTRODUCTION OF CASE BY THE PLANNING STAFF:

The Applicant is proposing amendments to Section 410 of the Land Management Code (LMC) entitled, *Planned Neighborhood Development*.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff supports a positive recommendation to the Mayor and Board of Aldermen for the proposed amendment to Section 410, *Planned Neighborhood Development*.

PLANNING COMMISSION QUESTIONING OF STAFF:

There were no questions of staff from the Planning Commission.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

Mr. Mark Friis, Rodgers Consulting, stated that he concurred with the staff report.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

There was no questioning of the petitioner/applicant from the Planning Commission.

PUBLIC COMMENT:

There was no public comment.

PETITIONER REBUTTAL:

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

There was no discussion or question for staff from the Planning Commission.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revisions from planning staff.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Stup made a positive recommendation to the Mayor & Board of Aldermen for PC12-046ZTA, PND Applicability.

SECOND: Commissioner Bokee.

VOTE: 5-0.

VII. OLD BUSINESS:

B. PC11-597FSI-Final Site Plan, Frederick Memorial Hospital

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Mark entered the entire staff report into the record. He stated that the Applicant is requesting final site plan approval for a 31,622 square foot expansion of the existing parking deck to accommodate a net increase of 420 spaces.

The Applicant is also requesting the following modifications to the Land Management Code (LMC):

- A modification to the Section 605(e), Table 605-3 for the property line screening requirements.
- A modification to Section 601, Table 601-2 for access separation distance on an arterial road.

This item was continued from the February 23, 2012 Planning Commission meeting. Mr. Mark noted that updates to the report since the February meeting were in bold type in the report.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommends approval of a modification to Section 605(e), Table 605-3 for a Level I screening buffer for a property zoned IST abutting a property zoned IST based on the Applicants compensating feature of augmenting the existing screening.

Staff recommends approval of a modification to Section 601, Table 601-2, for the access separation standards between a proposed entrance and a local road on an arterial roadway based on site constraints, signalization of the intersection, and removal of the FMH Cancer Care Center entrance as compensating features.

Staff recommends approval of the architectural elevations as proposed for compliance with the building and urban design standards for the IST zoning district.

Staff recommends approval of Final Site Plan PC11-597FSI subject to the following conditions:

To be met in less than 60 days:

1. **The entrance to the FMH Cancer Treatment Center must be noted on the plan “to be closed” and a note must be added to the plan stating such.**
2. **A note must be added to the plan stating, “A final plat dedicating right of way adjacent to the western access point along W 7th Street sufficient for the installation and maintenance of signal equipment must be recorded prior to the issuance of a Certificate of Occupancy for the parking garage.”**
3. **A noted must be added to the plan indicating that updated signal equipment will be provided by the Applicant at Toll House Avenue.**
4. **The Applicant must provide an updated traffic impact study to include the latest traffic signal warrant analyses and redistribution of trips with the modification to the Park Ave access point.**
5. **Note 21 must be updated to reflect the change in the proposed impervious area to 570,029sf and 82.6%.**
6. **Note 13 must be revised to indicate that the total new impervious area proposed is 31,871sf**
7. **The site data must be revised to indicate that the total disturbed area is 134,129sf or 3.08 acres.**
8. **The landscape note on Sheet 1 must be revised to label the additional trees along West 7th Street as property landscape trees, not on-site street trees.**

9. **The 12 cranberry cotoneaster shrubs listed in the Level 1 Landscape Schedule must be removed.**
10. Note 30 on the site plan must be revised to indicate that the proposed percentage of storm water treated by non-structural practices from “(By micro-scale practices)” is 100%.
11. Note 30 on the site plan must be revised to indicate that ADT rate is 660.
12. The Applicant provides a note citing the date and section of the modification granted by the Planning Commission.

To be met in greater than 60 days and less than one year:

1. **Execute a street tree maintenance easement for the trees along Park Avenue.**
2. Pending the Planning Commission approval of PC11-804, the onsite forest conservation plan, the Applicant must receive unconditional approval for a Forest Stand Delineation and Preliminary Forest Conservation Plan, or combination thereof, for the offsite afforestation location.

PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Stup asked if the Planning Commission agrees with the recommendations from the AD HOC committee for the bike boxes, and questioned if that would be a general condition or one that is met in less than 60 days or greater than 60 days, but less than one year.

Mrs. Dunn responded that it would be addressed with a note on the plan a note would be a less than 60 day condition. The note would require them, through the improvement plan stage, to identify bike improvements consistent with the goals of the 7th Street bike lane corridor.

Commissioner Fetting asked if there could be a condition to update the plan to say 14 new bicycle spaces.

Commissioner Bokee stated that the Planning Commission received a letter from a Ms. Bowes Hall concerning the storm water remediation efforts.

Mrs. Dunn replied that the Engineering Department did issue some comments regarding the matter and indicating that they have documented compliance with all of current Environmental Site Design (ESD) standards and additional calculations would be provided with the improvement plan phase.

Mr. Mark stated that he realized that he did not include as a condition of approval that the separation distance between the western access and Toll House Avenue must be corrected from 316’ to 270’ and that should be added as a condition for less than 60 days.

Alderman Russell stated that in the staff report it says that 250 cards will be issued along with valet staff and that after construction the cards will be deactivated, she questioned if the 250 cards included the valet staff too. Staff deferred to the Applicant.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

Mr. Rand Weinberg, Law Offices of Rand Weinberg stated he and his client agreed to all of the conditions set forth in the staff report as well as the conditions regarding the bike boxes, the bike racks, and the added note for the separation distance. In response to Alderman Russell’s question, Mr. Weinberg stated that this proposal is the same that was presented at the workshop, which is the entrance will be utilized during construction and once construction is completed and the garage is open for business, it would be closed off and used for emergencies only. Mr. Weinberg stated that City’s Engineering

Department has commented on the storm water and stated that they comply with all the storm water management rules and regulations. He added that Mr. Ceci's letter stated it not only complies with the regulations, but improves the current condition today. Mr. Weinberg stated the original proposal was for the 420 parking space to the garage and with access to two City streets; to 7th Street and Park Avenue. Access on Park Avenue was unrestricted access. He noted that as they proceeded through the process and it was clear that the Park Avenue access was the primary issue. And the proposal in January was to have a permanent restriction for 250 access cards whereas, this evening, the proposal is addressing the concerns of the residents which were that the Park Avenue access not be utilized for access out of that garage once it has been completed. He concluded that they request approval of the site plan as submitted with the conditions recommended by staff.

Mr. John Verbus, Chief Operating Officer of FMH, stated that their goal is to make the tight and congested campus work better. He said activity on the campus is greater than availability and that the result of the patient volume and dangerous traffic flow is a campus parking experience that the CEO of the hospital has said was substandard, inadequate, and frustrating. He noted that the community deserves better. Mr. Verbus presented a PowerPoint presentation documenting the disadvantages of not having access to Park Avenue during construction.

Mr. Bob Gesing, Principal of Trinity Health Group, gave a brief PowerPoint presentation to state what will happen during construction. He stated that the current traffic is challenging and during construction it will only get worse. During the construction the area will have to be fenced in for both the addition and the staging of construction and by doing this, 100 parking spaces which are already badly needed will be eliminated for construction. This will also eliminate the primary entrance into the parking garage and equally important, the west access driveway to the hospital. He added that they are going to try and get all construction traffic to come in off of 7th Street. Mr. Gesing stated that the goal is to minimize the congestion and risk because with construction and all the activity, it increases the danger and risks for both pedestrians and vehicles. He said the area that is of major concern is valet parking. That will have to increase and the amount of parking for people to self-park is limited.

Mr. Tom Klinehanzl, President and CEO of FMH, stated that they are making significant investments to improve patient care, safety and neighborhood image. He added the need is real, significant and feels it is temporary and reasonable. He closed giving a brief history of the hospital.

Mr. Rand Weinberg stated he wanted to close with two housekeeping items on the modifications. He noted that this plan meets every requirement in the Code but the first modification is the one for landscaping that has been discussed. He noted that the hospital could meet the Code, but that would mean tearing out all the landscaping that the hospital allowed Hood to put in so this is a better way to go. The other modification that is requested is the one engineering has requested which allows us to put in a light and when we do that we need a modification for the separation distance.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

Commissioner Bokee asked what the anticipated increase would be for valet during construction.

Mr. Verbus replied that it is estimated to be double the 120 trips it has currently. He added that they are in negotiation with the valet company to help do an assessment as they continue to analyze the parking.

Commissioner Nash asked from an operational standpoint, would it be like a van in an airport parking lot that has more than one passenger, or would it be one trip per valet and if there is going to be a requirement that if three people want service, the valet will put them in one car.

Mr. Philip Diliano, Director of Parking, stated that they would not be moving people. They will be dropped off at the main entrance of the hospital or at the east entrance. The valet will pick up the vehicles from point of entry and then bring them into the parking garage. There will be a shuttle system but that is employee based.

Commissioner Fetting asked with that much valet traffic how many valet parkers they anticipate needing to park the cars.

Mr. George Barbarino, President of ABC Parking Services, stated that the number of attendees utilized during transition of the construction would be between 9 to 14. He noted that there is parking consultants in the building reviewing the patterns and logistics and that will determine within 45 days. He added that currently they have 4, so it would most likely triple.

PUBLIC COMMENT:

Randy Knight, 267 Dill Avenue, noted that he is representing the neighborhood, and read into record concerns from the neighborhood. He stated they approved this plan with a couple of conditions, one being that the access point from the construction phase to the final emergency access phase look more utilitarian and more like a temporary and occasional use access point. Secondly, that the total number of "gate lifts" per day is 500 regardless of the usage or whoever is driving the car. He noted that the residents felt the applicant is injuring the adjacent community and that previously plans were approved and installed for helipad and incinerator and that she hopes this Commission would protect this neighborhood. Their desire would be to not have an access on Park Avenue, but they compromised with the applicant. It was also brought up that the applicant has not been in compliance in the past with a loading dock site plan so how do they know if they would be in compliance with this site plan.

They asked that the Planning Commission require the Applicant to put in permeable, vehicular grade, masonry unit paver system between the proposed west side garage access southwardly to the north side of the Park Avenue curb. This paved drive installation shall include pavers of a different color and/or shape to delineate the location of the public sidewalk that aligns with the existing concrete sidewalk. Access to Park Avenue from and to this paver drive will be restricted by the installation bollards, which can be lowered or removed in the event of an emergency, which they would like see defined as "a bonafide and imminent threat to the safe egress of vehicles from Frederick Memorial Hospital parking garage or to the personal safety of the person using or working in the parking garage, that cannot be accommodated via any other existing points of ingress/egress to the hospital." The curb along the north side of the Park Avenue adjoining this paver drive shall be a mountable curb as specified by the City of Frederick. Upon commencement of construction of the proposed parking deck expansion noted on the FMH site plan dated February 2012, the permeable paver drive that connects the proposed new access point in to the west side of the parking garage to Park Avenue will be temporarily opened to vehicular traffic which is restricted by an access control system that allows only 250 entrances and 250 exits per day. Concurrent to issuance of the Certificate of Occupancy for the parking deck shown on the FMH site plan dated February 2012, access to the parking garage via Park Avenue shall cease and the bollards at the Park Avenue access drive shall be lowered or removed only in the event of an emergency. The neighborhood is also asking that during construction period FMH, at its sole expense, install reasonable traffic calming devices requested by the neighbors and as approved by the City, and provide security officers at peak vehicular trip hours for the purpose of consistently and effectively regulating and controlling all traffic circulation the area of Park Avenue, between Trail Avenue and the proposed access, related to the garage expansion and other FMH operations. Lastly, prior to and during the construction period, FMH shall involve a small representative group of the neighbors in the process of issuing, regulating, controlling, monitoring and enforcing the amount of trips in and out of the garage, and make every reasonable effort to be transparent with the neighbors in such regulation, control, and enforcement of the use of the garage access control

system for compliance with these terms, conditions and restrictions, including providing the neighbors copies of all documents and plans related thereto, except to the extent that state or federal privacy regulations or FMH personnel policy prohibit such disclosure.

Mr. Bokee asked what type of calming devices the neighborhood is looking for. Mr. Knight responded by saying a device that would let the neighbor know how slow or fast a vehicle is going.

Ms. Lucia Bowes Hall, Architect and resident of 336 Park Avenue, is in favor of the parking garage but asked if it is permissible to direct newly proposed storm water runoff into a drain that is on an adjacent property. She would argue that this storm water can never reach the proposed on site via the infiltration basin given the grade unless this water is pumped into the basin. She mentioned the neighborhood had submitted a proposed emergency access drawing suggest that Park Avenue have a new access point that would be constructed to include a mountable curb. Permeable pavers would be installed from Park Avenue to up to the southernmost garage entrance which would include a sidewalk zone with different colored paver type.

Ms. Beth Mitchell, 406 Elm Street, is in favor of the parking expansion with the same conditions that Mr. Randy Knight read into record. She mentioned having removable bollards would be sufficient for roads, biking, and would be pedestrian friendly. She felt taking out the curb on Park Avenue would require a lot of earthwork and result in a lot of construction debris waste with the expense to the Applicant.

Ms. Katie House, 356 Park Avenue, is in favor of the expansion with the conditions Mr. Knight presented this evening. She was concerned about the storm water runoff and the emergency entrance off Park Avenue.

Lori Ann Rucinski, 515 Elm Street, is concerned about the abatement on the southwest corner of the FMH and Hood College Campus. The storm drainage on Park Avenue is not adequate enough to hold anymore runoff because last July there was 18 inches of standing water in her basement.

Ms. Rhonda McLaughlin, 403 Elm Street, supports this project only with the conditions that were presented by Randy Knight. She provided an exhibit that listed manufactures of access gate systems like that proposed by the applicant and how the limited card access could be used per vehicle.

Mr. Matt Edens, 107 W. 5th Street, is in support of the site plan with the conditions that were read by Randy Knight. He would suggest having a right hand turn for valet parking.

Mr. Tim Stevenson 512 Elm Street approved of the site plan with the conditions that were read by Randy Knight. He suggested moving some services offsite to eliminate traffic.

Mr. William Heath, 507 Elm Street, had the same concerns that previous comments were made.

Mr. John Freeman, 515 Elm Street, felt this project had previous approvals with little knowledge of any of it going in.

Ms. Christina Stevenson, 512 Elm Street, is not in favor of this plan. She felt the Applicant has not figured out the construction date of how long it will be. She was also not happy with the entrance that was presented by the Applicant.

Ms. Gabrielle Campbell, 306 Park Avenue, was not happy with the Applicant's plan. She felt the Applicant did not communicate with the neighborhood.

Mr. David Collins, 346 Park Avenue, approved of the site plan with the conditions that were read by Randy Knight.

Mr. Brian Slagle, 277 W. 5th Street, approved of the site plan with the conditions that were read by Randy Knight. He also felt that the Applicant has not communicated well enough with the neighborhood.

Ms. Ellen Przybocki, 501 Elm Street, approved of the site plan with the conditions that were read by Randy Knight. She mentioned that the Applicant has infuriated them with not looking at their proposed plan.

Mr. Salyer McLaughlin, 503 Elm Street, stated they had provided an alternative to keep traffic out of their neighborhood but sadly, the Applicant is still proposing the same plan. He suggested that the Planning Commission continue this case. He would like to see traffic go around their neighborhood.

Mr. Jeffrey Cowen, MD is in support of the FMH parking garage. He mentioned that it is extremely difficult to find parking on the main campus. He feels this hospital has provided more services to the community.

Ms. Joann Ramsburg volunteers for the hospital and is in support of this plan. As mentioned previously it is hard to find parking. She feels privileged having a facility such as FMH in their community. She said by expanding the parking, it would allow more parking for patients, workers and volunteer workers. She asked the Commission to allow FMH temporary access from Park Avenue.

Ms. Jamie White, a Registered Nurse with FMH, is in support of the expansion of the garage and to have access from Park Avenue. She shared results of patient satisfactory surveys with the Commission and said some patients are having troubles getting in and out of the hospital. Most of the comments from the patients were related to the parking. Ms. White said she parks down the street to make sure patients have space to park. She had the audience stand that were in support of this plan and felt the access from Park Avenue is the right solution to a problematic situation.

Ms. Lila Beaulieu, 6507 Schneider Drive, is a registered nurse with FMH and need to have access from Park Avenue to ensure safety for the patients and staff.

Ms. Rose Labriola, 5843 Slate Hill Place, is a registered nurse with FMH and is in support of the parking garage expansion and having access from Park Avenue. She was disappointed with the neighbors attacking the Chief Officer. She said the campus is very crowded and this garage would help FMH tremendously. Traffic has always been an issue at the campus so this plan would greatly address the concerns of staff and patients. She is in support of the access through Park Avenue during the construction phase of the garage.

Ms. Cherie Hyssong, 1407 Dagerwing Place, is in support of the expansion of the garage and having access from Park Avenue during the construction phase.

Ms. Jennifer Teeter, 400 West 7th Street, is in support of the expansion of the garage and having the access from Park Avenue open during the construction phase.

Ms. Lucy Shamash, 400 W. 7th Street, is in support of the expansion of the garage and reminded the audience that in the previous meetings FMH and the City's traffic engineer have given their professional advice in the matter. She stated that FMH is in need of this expansion.

Ms. Norma Bard, 4926 Old National Pike, is in support of the expansion of the garage because she works in ICU and sees everyday traffic and if this project is not approved, people could die.

Mr. Terry O'Malley, 2426 Mill Race Road, read a letter into the record indicating that Frederick is growing; FMH is growing and knowing that the neighbors are not for the expansion. He encouraged the Planning Commission to take into consideration emotions and facts. FMH has been in business for over 110 years and is in need of an expanded garage.

Dr. James Grissom, 150 Fairview Avenue, is in support of the expansion of the garage and to have a temporary access of Park Avenue. He stated that additional parking is much needed.

Mr. George Barbarino, 3712 Paper Mill Road, is the valet parking company that would provide professional services to FMH and would make sure safety to residents and patients.

Mr. Bernard Gouin, 208 Grove Blvd, serves as Chairman on the finance committee for FMH and is in full support of the expansion of the garage with full access on Park Avenue. He also mentioned the expenses to 7th Street upgrade.

Mr. Ric Adams, 8420 Gas House Pike and President and CEO of the Frederick County Chamber of Commerce, is in support of the expansion of the garage.

Mr. Shahid Rafiz, W. 7th Street, is in support of the expansion of the garage and access from Park Avenue.

Ms. Marybeth Mann, 200 Jenkins Circle, is in support of the expansion of the garage and access off of Park Avenue

Mr. Tom Shupp, 7500 Windmill Road, is in support of the expansion of the garage and access from Park Avenue.

Ms. Cheryl Cioffi of 7702 Bridle Path Lane is in support of the expansion of the garage and access from Park Avenue.

Pastor Wilmer, 7812 Sigut Spring Road is in support of the expansion of the garage and access from Park Avenue.

Ms. Katherine Murray, 14025 Greencastle Pike, is in support of the expansion of the garage and access from Park Avenue.

Mr. Neil Waravdekar, 9895 Water Oak Circle, is in support of the expansion of the garage and access from Park Avenue.

Mr. Rick Vallaster, 354 Park Avenue, felt the Applicant has worked very hard on the issues that have arisen. He had some concerns on people cutting through the alley and making messes.

Ms. Jodi Vallaster, 354 Park Avenue, is in support of the expansion of the garage but not at the expense of the tax payers. She was concerned about how the Applicant would monitor trips coming and going from the garage. She pointed out that complaints a day are at 100 and she is also concerned about the construction of the garage and having access onto Park Avenue.

Mr. Mark Przybocki, 501 Elm St., is not in support of this plan.

Mr. Marc DeOcampo, 119 Kline Blvd, is concerned about the welfare, safety of the neighborhood and felt modifying the existing garage during construction and could provide a ramp to the east parking lot which would lessen impervious surface. He felt the 7th Street corridor could be planned comprehensively. Hood College and FMH could be part of a small area plan. Neighborhood preservation of being in the Natural Historic District could be looked at.

Dr. Narayan Leulkavislo is in support of the expansion of the garage and access from Park Avenue. He mentioned that his patience have a troubling time tried to find parking.

Ms. Malgo Schmidt, 244 Dill Avenue, is in support of the expansion of the garage and access from Park Avenue. She felt that the Applicant should give the residence a time schedule for the construction of the garage. From the Land Management Code, Ms. Schmidt felt that bicycle spaces should be more than what is existing.

Mr. Tom Bagel, 352 Park Avenue, is in support of the expansion of the garage but felt the hospital is double talking.

Ms. Anne Rollins, Vice Chairman of the FMH Board of Directors, stated there is no hidden agenda that the public is talking about. She mentioned that the community is a whole community not just one neighborhood. She encouraged the Planning Commission to support this project.

Mr. Timothy Townsend, 311 W. 5th Street, commented about the reimbursement issue. He said expenses are different when you have a hospital with ambulance capability than if a hospital does not have ambulance services.

Mr. Darius Mark is in support of the expansion of the garage but not the access from Park Avenue. He felt expanding this garage would make a negative impact on the neighborhood.

COMMISSIONER NASH STATED THAT THERE WAS ANOTHER ITEM ON THE AGENDA, GOLDEN MILE SMALL AREA PLAN AND THAT IT WILL BE CONTINUED UNTIL THE APRIL 9, 2012 PLANNING COMMISSION HEARING.

PETITIONER REBUTTAL:

Mr. Rand Weinberg stated that he worked closely with Mr. Dave Severn, previously representing the neighbors, to try to reach an agreement and that they were negotiating and one of the paragraphs that was in the document drafted by Mr. Severn sent to Mr. Weinberg for request of approval of the hospital read as follows "FMH will covenant and agree and place a note on the site plan for the garage expansion that for a period of 7 years after the commencement of construction of the garage expansion, it will not apply for, seek, support, consent or allow or solicit others to apply for, seek, support, consent directly or indirectly to the approval permitting construction or establishment in any manner whatsoever of any additional point of access to or from Park Avenue or the intensification, permanency or any other change of use of the proposed access or a change to these conditions." Mr. Weinberg agreed to that because they have no plans to do it anyway however, Mr. Klinehanzle requested that Mr. Severn do the same for the neighbors and drafted a letter to him that stated "During the same 7 year period the neighbors agree should FMH propose improvements to the FMH campus which are oriented to 7th Street and do not include increased use of the proposed access. The neighbors will work with FMH toward achieving city

approval of such plans and will generally express support with the continued improvements to the FMH campus oriented to 7th Street and will provide support of testimony if requested by FMH.” Mr. Weinberg feels that should not have been brought before the Commission but because it was mentioned by a number of people taken out of context and characterized rather than read, he thought it would make more sense to read it verbatim and let the Commission decide. He noted that what he read was approved by Mr. Severn and that they were advised that it was also approved by his client and then the following day, they were told it was no longer approved.

Mr. Klinehanzl stated that they proposed 500 gate lifts in January; however, they perceived that there was a great deal of confusion and concern from the neighbors regarding how that would be managed. The hospital felt that a simpler approach was needed and by giving out 250 access cards would keep this very simple for 12-14 months moving forward. He added that in terms of this being a change, he wanted to address that there has been a cause and effect to every decision that has been made during this process. When open access both during and after construction was proposed, the hospital did not have to close the valet lot because the road out front was not being widened and a new traffic light in the access road was not proposed. When that decision was made to do what the hospital thought the neighbors wanted, which was to only have an emergency access after construction, it necessitated during construction that we widen the road to create better access so we have to eliminate our valet lot during construction. It created a new issue and it was the reality of this process evolving. Mr. Klinehanzl stated they have offered traffic calming measures before and are happy to do that, he noted that they are improving the storm water and someone mentioned that we should move or relocate the ED it is against the law in the State of Maryland. He concluded by stating the reason they don't have a finalized timeline is because they have not gone to bid with the project and you can get a hard date from the contractor.

Mr. Rand Weinberg concluded the rebuttal stating that this hospital has been here for over 100 years and doesn't want anyone to think the term of construction is going to be easy or pleasant. The construction project has become bigger because we are not only building a parking garage but also doing a major intersection improvement at the same time on 7th Street which is unavoidable because we have oriented all of the traffic away from the south and put it up to the north. This is a solution that will work and at the end of the process we will maintain the same level of service we have today. He asked the Commission to please approve the plan.

Commissioner Bokee asked if the valet is during normal business hours.

Mr. Diliano responded that the peak hours are a little bit different for valet. Valet starts to peak as campus starts to pick up and parking no longer available. Typically, peak hours start around 9 a.m. and leads up until about 4 p.m.

Commissioner Bokee said there was a suggestion made about having a circular drive and asked if Mr. Diliano could comment on that.

Mr. Diliano stated that is not an optimal condition because it would require coming out to the right then coming into the construction zone and back out onto 7th Street and then re-approach and come back onto the campus at the eastern point.

Commissioner Nash asked what the proposed circulation route for the valet is.

Mr. Diliano explained that the proposal as it stands is that we would come down on the eastern side of the campus and make entry onto Park Avenue and make the right hand turn which would take us into the proposed entry and access the garage from there and on the return, we would do the exact same movement but in the reverse.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

Commissioner Stup stated that they discussed all areas of citizen's concerns and there was agreement on all but Storm water Management and Traffic Issues, Commissioner Stup wanted clarification of these items from staff that in its current stage which is just to determine feasibility, the project meets or exceeds the requirements for storm water.

Mrs. Dunn replied that was correct and in an email sent from Zack Kershner, City Engineer, he indicated that the Engineering Department has reviewed the storm water concept plan as required by the site plan and found it complies with the requirements of our SWM Ordinance.

Commissioner Stup stated that he realized that there were some problems regarding the mountable curb and where it comes out on the road, that this is a City street and sidewalk and that this is not acceptable to City engineering staff.

Mrs. Dunn stated that Staff was questioned regarding the alternative plan by the residents but noted that because it was not the application put forth by the applicant, it had not been reviewed through the entire review process; however, staff had reviewed it for initial comments. From an operations concern, comments were received from Steve Krone with the City's Building Department who does fire protection and he had some operational questions as opposed to the feasibility of having a removable curb and the City would not be interested in maintaining permeable pavers that are in the public right of way.

Commissioner Stup stated that by City regulations, the project did not require a Traffic Impact Study (TIS) so we don't want to lose sight of that. Staff concurs that the streets are at a level of service with what is proposed that meets our Code.

Mrs. Devon Hahn, City Traffic Engineer, stated that they have looked at the original traffic study for the previous plan and was at a point where the roads were adequate. The new plan has some mitigation measures that the hospital has talked about as far as the traffic signal on 7th Street in order to make sure that we maintain an adequate level of service along the 7th Street Corridor at our intersections there.

Commissioner Bokee asked when the construction phase is completed is that marked by Certificate of Occupancy being given.

Mrs. Dunn responded correct.

Commissioner Nash asked how they would articulate the traffic calming measures or security criteria. And if that would that be something that staff would work with the hospital.

Mrs. Dunn said that the City has a specific traffic calming program that requires certain needs to be established or community support. We have looked at these roads previously and do to the spacing of stop signs; there aren't speeding issues that warrant our sense of traffic calming.

Mrs. Hahn concurred with Mrs. Dunn and stated that there is a standard operating procedure for when traffic calming is considered and steps to go through before anything would be constructed. She added that they are worried that there will be an increase in speed.

Commissioner Stup asked if it was an option for the Applicant to establish certain traffic restrictions for the construction period on the improvement plans.

Mrs. Hahn indicated that typically, on improvement plans there will be provisions for the maintenance of traffic and sometimes it will identify routes for construction traffic but if you are talking about the valet services and where they are going that would be up to hospital to coordinate with their vendor on the routes.

Mrs. Dunn stated that any restrictions on traffic during construction are usually related to construction traffic and which way vehicles will be going during that process but that in terms of regulating the movement of all other persons during construction that is something the City has not done. She indicated that there enforcement issues, however, it can be noted on the site plan for that condition of approval.

Commissioner Nash thinks the improvements at 7th Street are fabulous for the City from a safety standpoint and as future growth occurs on this campus to have those improvements in place is great.

Commissioner Fetting asked if it would be possible for fewer cards to be issued.

Mr. Rand Weinberg stated that the 250 is just a number that has been used from day 1. In the compromise before we were going to use this amount indefinitely. We said we would work with City staff to which we would issue the cards to.

Commissioner Nash has concerns regarding traffic and safety at Hood Alley and asked that if there are problems can something be done.

Mr. Weinberg stated that Streets and Sanitation Committee could make a recommendation of a “no right turn” sign when you come out of the deck. If you think it is a problem during construction and there is an initiative to put a no right turn sign out of the deck that the hospital would not object.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

To be met within 60 days:

1. The entrance to the FMH Cancer Treatment Center must be noted on the plan “to be closed” and a note must be added to the plan stating such.
2. A note must be added to the plan stating, “A final plat dedicating right of way adjacent to the western access point along W 7th Street sufficient for the installation and maintenance of signal equipment must be recorded prior to the issuance of a Certificate of Occupancy for the parking garage.”
3. A noted must be added to the plan indicating that updated signal equipment will be provided by the Applicant at Toll House Avenue.
4. The Applicant must provide an updated traffic impact study to include the latest traffic signal warrant analyses and redistribution of trips with the modification to the Park Ave access point.
5. Note 21 must be updated to reflect the change in the proposed impervious area to 570,029sf and 82.6%.
6. Note 13 must be revised to indicate that the total new impervious area proposed is 31,871sf
7. The site data must be revised to indicate that the total disturbed area is 134,129sf or 3.08 acres.
8. The landscape note on Sheet 1 must be revised to label the additional trees along West 7th Street as property landscape trees, not on-site street trees.
9. The 12 cranberry cotoneaster shrubs listed in the Level 1 Landscape Schedule must be removed.
10. Note 30 on the site plan must be revised to indicate that the proposed percentage of storm water treated by non-structural practices from “(By micro-scale practices)” is 100%.
11. Note 30 on the site plan must be revised to indicate that ADT rate is 660.

12. The Applicant provides a note citing the date and section of the modification granted by the Planning Commission.
13. The Applicant must amend the site data note on Sheet 1 of 4 regarding parking to indicate that 14 new bike spaces are proposed.
14. The Applicant must amend the separation distance between Toll House Avenue and the western entrance to the site to be consistent with the standard of measurement prescribed in Section 601 of the LMC.
15. The Applicant must add a note stating, "In conjunction with the improvements to W. 7th Street as required by this plan, the Applicant will identify improvements consistent with the goals of the W. 7th Street Bicycle Corridor Project, such as "bike boxes" to be constructed by the Applicant as part of this project."
16. The Applicant must amend note 29 to indicate the completion of the deck is signaled by Certificate of Use and Occupancy.
17. The Applicant must modify the plan to eliminate asphalt paving on the Park Avenue access and denote alternative cementitious paver material from the extent of the ROW to the southernmost entrance.
18. The Applicant must revise notation on the seating/retaining wall surrounding the storm water bio-retention facility to eliminate "seating".
19. The Applicant will supply a letter proffering their commitment to work with the City to identify and provide traffic calming measures if necessary during construction.

AT greater than 60 days and within one year of approval date:

1. Execute a street tree maintenance easement for the trees along Park Avenue.
2. Pending the Planning Commission approval of PC11-804, the onsite forest conservation plan, the Applicant must receive unconditional approval for a Forest Stand Delineation and Preliminary Forest Conservation Plan, or combination thereof, for the offsite afforestation location.

PLANNING COMMISSION ACTION PER SECTION 605(e):

MOTION: Commissioner Stup moved for the approval of a modification to Section 605(e), Table 605-3 for a Level I screening buffer based on the staff report and the testimony provided this evening.

SECOND: Commissioner Bokee.

VOTE: 5-0.

PLANNING COMMISSION ACTION PER SECTION 601:

MOTION: Commissioner Stup moved to recommend approval of a modification to Section 601, Table 601-2, for the access separation standards between a proposed entrance and a local road at 7th Street based on the staff report and testimony on the willingness to close the access point at the cancer treatment center.

SECOND: Commissioner Bokee.

VOTE: 5-0.

PLANNING COMMISSION ACTION PER SECTION ARCHITECTURAL ELEVATIONS:

MOTION: Commissioner Stup recommended approval of the architectural elevations as proposed in the staff report.
SECOND: Commissioner Fetting.
VOTE: 5-0.

PLANNING COMMISSION ACTION PER SECTION FINAL SITE PLAN PC11-597FSI:

MOTION: Commissioner Stup moved to approve PC11-597FSI with taking in consideration the guidance of the Comprehensive Plan and the Land Management Code specifically looking at the neighborhood and the direct impact on the neighborhood in regards to traffic and the storm water issues based on the staff report and the testimony to include the proffers the 19 items as read by staff into the record to be met in less than 60 days and the 2 items to be met in greater than 60 days and less than 1 year.
SECOND: Commissioner Fetting.
DISCUSSION: Commissioner Nash stated that at the last hearing she cited 8-10 sections from the LMC and the Comprehensive Plan which supported the denial of the original application and really appreciate the hospital coming back and making the improvements to 7th Street and that is why she can support this motion.
Commissioner Fetting concurred and feels this is a much better plan then previously with all the community input and would not have this much improved entrance on 7th Street without their concern about parking.
VOTE: 5-0.

C. PC11-804FSCB-Combined Forest Stand Delineation/Preliminary Forest Conservation Plan, Frederick Memorial Hospital

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Mark entered the entire staff report into the record. He stated that the Applicant is requesting approval for a Combined Forest Stand delineation and Preliminary Forest Conservation plan for Frederick Memorial Hospital (FMH), for mitigation through offsite afforestation.

This item was continued from the January 23, 2012 Planning Commission meeting.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommends unconditional approval of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan PC11-804FSCB.

PLANNING COMMISSION QUESTIONING OF STAFF:

There was no questioning of staff from the Planning Commission.

PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

Mr. Rand Weinberg concurred with the staff report.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

There was no questioning of the petitioner/applicant from the Planning Commission.

PUBLIC COMMENT:

There was no public comment.

PETITIONER REBUTTAL:

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

There was no discussion or questions for staff from the Planning Commission.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revisions from planning staff.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Stup moved to approve PC11-804FSCB as submitted and in accordance with the staff recommendation.

SECOND: Commissioner Fetting.

VOTE: 5-0.

VIII. NEW BUSINESS:

E. Golden Mile Small Area Plan (M. Davis)

Will not be heard and moved to April's Hearing.

Meeting adjourned at 11:05 p.m.

Respectfully Submitted,

Carreanne Eyler
Administrative Assistant