

**Planning Commission Hearing Minutes
April 9, 2012**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Josh Bokee Alderman Russell Elisabeth Fetting Rick Stup	Meta Nash	Joe Adkins-Deputy Director for Planning Matt Davis-Division Manager of Current Planning Brandon Mark-City Planner Christina Martinkosky-City Planner Zack Kershner-Deputy Director for Engineering Tim Davis-Transportation Planner Scott Waxter-Asst. Assistant City Attorney Carreanne Eyler-Administrative Assistant

I. ANNOUNCEMENTS:

Commissioner Bokee stated that all of the agenda items will not be heard this evening and there will be an overflow meeting on April 23rd for the items that are not discussed this evening.

II. APPROVAL OF MINUTES:

Approval of the April 6, 2012 Pre-planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Commissioner Fetting.
VOTE: 4-0.

Approval of the March 12, 2012 Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Commissioner Fetting.
VOTE: 4-0.

Approval of the March 19, 2012 Planning Commission Workshop Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Commissioner Fetting.
VOTE: 4-0.

III. 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”.

IV. 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.)

V. MISCELLANEOUS:

A. 2012 Capital Improvement Program (CIP)

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Zack Kershner, Deputy Director for Engineering briefed the Commission on the 2013 Capital Improvement Plan (CIP).

INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommends that the Commission consider both the draft and the wish list and determine whether the proposed draft is consistent with the Comprehensive Plan and what projects on the "wish list" are the top priorities on the Commission.

PLANNING COMMISSION QUESTIONING OF STAFF:

Regarding the Motter Avenue bridge replacement project, Alderman Russell asked about the traffic patterns during construction and for Mr. Kershner to confirm whether or not West 14th Street was going to be closed during that time.

Mr. Kershner responded that yes, West 14th Street maybe closed for some time while the utilities are being relocated.

Commissioner Fetting asked what improvements will be done for the Christopher Crossing Corridor.

Mr. Tim Davis, Transportation Planner, stated that they are going from the recommendation of the 2009 study. The intersection improvements at Yellow Springs Road and Christopher Crossings would be the ones that have the highest level of need.

Commissioner Fetting asked if a light will be at the intersection.

Mr. Davis said it is debatable as of right now.

Commissioner Stup stated that there is nothing programmed for I&I reduction after FY13 and asked if that is that because it is for a specific project, is the work or search somewhere else like a petty cash fund?

Mr. Kershner replied that he would have to speak to the Department of Public Works but that each year they have programmed in roughly \$500,000.00 which gets them through 6 months to a year worth of lining around the City.

Commissioner Stup asked if there are any developer funds for the first four items on the wish list.

Mr. Kershner stated not that he is aware of but that there is potentially that there certainly could be for Butterfly Lane depending on what happens in that area. Mr. Kershner explained that as projects come through, they are assessed for traffic impacts that would be linked to those projects.

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

The City was the applicant so no presentation was given.

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 moved for a positive recommendation to the Mayor & Board of Aldermen for the 2013 CIP.
- SECOND:** Commissioner Fetting.
- DISCUSSION:** Alderman Russell stated that this will be coming to the Mayor & Board during the regular budget approval and that her vote tonight is a general recommendation.
- VOTE:** 4-0.
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VI. OLD BUSINESS:

B. Frederick Municipal Airport-Automatic Dependent Surveillance-Broadcast (ADS-B)

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Tim Davis, Transportation Planner stated that this is the next level of navigation aids for the Airport. He noted that Frederick is the 2nd airport in Maryland to receive this infrastructure improvement for navigation. This is a public utility; an essential service project. The site is located by the new air traffic control tower and extensive review has been done with the consulting firm who did a matrix of site selection work and identified this particular site as the most practical and effective site.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff would like a positive recommendation to the Mayor & Board of Aldermen.

PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Bokee asked Mr. Davis to explain how the site worked and that it is not next to residential zones.

Mr. Davis stated that the site selection process on the Airport and the location that was chosen is next to an industrial property so there is not interference of anyone's view. It is compatible with the adjacencies of the area.

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

The City was the applicant so no presentation was given.

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 the Frederick Municipal Airport ADS Broadcast facility.

SECOND: Commissioner Fetting.

VOTE: 4-0.

C. Golden Mile Small Area Plan

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Matt Davis, Division Manager of Comprehensive Planning, entered the entire staff report in to the record and provided a PowerPoint presentation. He stated that the Golden Mile Small Area Plan has been drafted to guide future development along the Route 40 commercial corridor. This plan provides a blue print that will offer a vision of how the community will look with respect to buildings, automobile and pedestrian traffic improvements and patterns and public spaces while creating a sense of place.

The Planning Commission is asked to provide comments and ask questions about the draft plan so that staff may respond, make any changes determined by the Commission and ultimately forward the Golden Mile Plan to the Mayor & Board of Aldermen with a favorable recommendation.

INITIAL PLANNING STAFF RECOMMENDATION:

Commissioner Stup stated that in the vision he didn't see anything regarding the Transit transfer facility. He said it has been a long standing need and if this is going to be a sustainable area once redeveloped then you need to move people in without cars.

Mr. Joe Adkins, Deputy Director for Planning, stated that Transit was one of the biggest proponents of this parallel road going through and that the Fredericktown Mall site is the 2nd busiest for the Transit system and that has been relayed to the mall. They are in concurrence and would like to keep that Transit facility there and when the mall redevelops that will be in discussion with them. Mr. Adkins wanted to add that Staff has a general knowledge of form based code, but has been in negotiations with a couple of firms in DC that may come up during the summer and speak not only to the Planning Commission but to the East Frederick Rising and Golden Mile groups to give a "101" on what a form based code is.

Commissioner Bokee stated that the primary dominant zoning is General Commercial (GC) along the Golden Mile and that the weakness of the General Commercial zoning for that area, is the lack of any type of incentives or encouragement for strong design principles. He stated that this needs to be looked at in terms of how we wrestle the implementation piece without missing the window of being able to achieve what the community would like. He added that the 2nd weakness is the office piece and encouraging a mixture of job types in that area and not just thinking about the Golden Mile as it is today, which is functioning, but what would be able to be handled from a sustainability stand point.

PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Stup asked if the Planning Commission agrees with the recommendations from the AD

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

The City was applicant.

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 PER SECTION 605(e):

This is just an update and no recommendation is needed at this time.

VII. NEW BUSINESS:

D. PC11-808FSCB-Combined Forest Stand Delineation/Preliminary Forest Conservation Plan, State Farm

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 of a combined forest stand delineation/preliminary forest conservation plan associated with the disturbance of 4.11 acres for the expansion of a parking lot on the State Farm campus. The parking lot expansion qualifies for, and is being processed as an administrative, staff level final site plan (STF11-809FSI) in accordance with Section 309.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the combined forest stand delineation/preliminary forest conservation plan PC11-808FSCB with the following condition of approval:

To be met in less than 60 days:

1. Revise the case number in the title block to PC11-808FSCB.

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. Fran Zeller, Harris, Smariga & Associates 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 PC11-808FSCB, State Farm Mutual Insurance Company. with the one recommendation to be met in less than 60 days and in accordance with the staff report and testimony this evening.

SECOND: Commissioner Fetting.

VOTE: 4-0.

E. PC12-1258FSI-Final Site Plan, Whittier PND, Section 10

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Mark entered the entire staff report into the record. The proposal is a revision to the final site plan for Section 10 of the Whittier PND which is the final section to be developed. The project consists of five (5) multifamily buildings containing 14 units each, with 70 total units.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommends unconditional approval of a final site plan PC12-1258FSI for Whittier PND Section 10.

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. Jeremy Holder, Ausherman Development, concurred with the staff report. He added that in the report it notes a 13% reduction of the building footprint and that this is a reduction as compared to the big box that was put on the site plan. The buildings that are proposed to be constructed within Whittier Section 10 are about 100 s.f. larger than the original condominiums. Mr. Holder pointed out that they are requesting a height approval of 49 feet to be able to construct these units with 9 foot clear ceiling heights and feels that given the views it is important that they created the opportunity for a fair amount of glass in the units and the extra window and floor height allows for that to happen. Mr. Holder stated that the request for the 49 feet is to allow Ausherman to build a product that has a reasonable roof pitch and is properly proportioned.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

Mr. Ron Peppe, 8025 Rocky Springs Road, questioned if the buildings being proposed will have elevators and the proposed plan calls for 38 feet and does not believe the development company need 14 feet on top of what has already been approved. He questioned the setback and doesn't think it is 100 feet. He is opposed of the request.

PETITIONER REBUTTAL:

Mr. Holder stated that they can certainly build a building with a height of 44 feet but it would not be an attractive building. He stated that the issue is not in dealing with the increase of 14 feet; it is the increase that is associated with the floor system, the height of the finished floor and then a roof volume that is substantial enough to properly proportion the architecture of the building. The original plan did not contemplate a 9 foot ceiling but it certainly can contemplate an 8 foot ceiling. Mr. Holder submitted for the record a floor-to-floor height of the building rendering.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

Commissioner Stup asked about the units having elevators.

Mr. Holder stated that at this stage before you finalize the architecture you have to get your site plan approval and then work toward the process of developing final architecture for the building. He added that they are contemplating an elevator shaft but can't make a commitment to the Commission at this time.

Commissioner Fetting asked if they have the setback of 100 feet that should be there.

Mr. Mark stated that it was 100 feet to the corner of that building to the Gaver Property.

Mr. Holder stated that Mr. Mazelon with Fox & Associates did an automated estimate with CAD to determine the footage and it is at the required setback.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revisions from planning staff.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Stup moved to approve PC12-128FSI Whittier PND Section 10 in accordance with the staff recommendation and the testimony to include the height approval of 49 feet.

SECOND: Commissioner Fetting.

VOTE: 4-0.

F. PC12-110ZTA-Zoning Text Amendment, Nursing/Domiciliary Care Facilities

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Mark entered the entire staff report into the record. He stated that the applicant is proposing amendments to Section 404, Table 404-1 of the Land Management Code (LMC) entitled, the Use Matrix, and Section 841 of the LMC entitled, Nursing Home/Domiciliary Care/Adult Living Facility in order to establish nursing homes/domiciliary care/adult living facilities as conditional uses in the Manufacturing/Office (MO) zoning district.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff supports a positive recommendation from the Planning Commission to the Mayor & Board of Aldermen for the amendments to Section 404, Table 404-1 and Section 841 as proposed.

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. Bruce Dean, Linowes & Blocher, stated he concurred with the staff report. He stated that skilled nursing centers are employment centers more than residential uses. So facility like this create jobs not only where they are but around the neighborhood. The protection that is built in for the City and for the residents is 1) request that this be permitted as a conditional use 2) MO zone has performance standards that are inherit to keep it an office park setting. Mr. Dean added that there was a general mistake in the LMC in the Matrix and the use category for the MU zone. It needs to be corrected as part of the approval this evening. It should be consistent in the LMC that nursing facilities have to be conditionally approved and not permitted by right in the MU zone.

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:

Commissioner Stup wanted clarification on the Matrix table regarding the MU zone.

Mr. Mark responded that Section 841 has them permitted by right. He read the verbiage from the LMC which stated "Nursing Home/Domiciliary Care Adult Living Facilities are allowed as permitted principal uses in MU and IST districts and as conditional use in RO, NC, DB, and DR & MXE." So it is saying they are permitted by right MU district but if you look at Table 404-1 they are permitted by Mixed Use, Conditional Use in the MU districts.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revisions from planning staff.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Stup moved to approve text amendment PC12-110ZTA for Nursing/Domiciliary Care, Adult Living Facility to the Mayor & Board of Aldermen in accordance with the staff report, the applicant's testimony to revise MU Section 841 to be permitted conditional use in the Use Matrix.

SECOND: Commissioner Fetting.

VOTE: 4-0.

G. PC12-121ZTA-Zoning Text Amendment, Airport Overlay Filing Requirements

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Tim Davis entered the entire staff report into the record. He stated that the City is proposing amendments to Section 419, Airport Overlay District, Section 864, Sign Regulations, and Section 866, Telecommunications Facilities as they apply to the filing requirements for applications within the Airport Overlay (AO) District.

INITIAL PLANNING STAFF RECOMMENDATION:

Staff supports a positive recommendation from the Planning commission to the Mayor & Board of Aldermen for the amendments to Section 419, *Airport Overlay District*, Section 864, *Sign Regulations*, and Section 866, *Telecommunications Facilities*, as they apply to the filing requirements for applications within the Airport Overlay (AO) District.

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:

The City was applicant, so no presentation was given.

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 for a positive recommendation to the Mayor & Board of Alderman for PC12-121ZTA, text amendment for Airport Overlay filing requirements for amendments to Section 419, *Airport Overlay District*, Section 864, *Sign Regulation*, and Section 866, *Telecommunications Facilities* as filing applications within the Airport Overlay District.

SECOND: Commissioner Fetting.

VOTE: 4-0.

H. PC12-145ZTA-Zoning Text Amendment, Historic Preservation Overlay

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mrs. Martinkosky entered the entire staff report into the record. She stated that the Planning Department is proposing amendments to Section 423, *Historic Preservation Overlay (HPO) District*, and Section 1002, *Definitions*, of the Land Management Code (LMC).

INITIAL PLANNING STAFF RECOMMENDATION:

Staff supports and positive recommendation for the amendments as proposed to the Mayor & Board of Aldermen.

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:

The City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

Alderman Russell stated that the Mayor & Board of Aldermen just recently discussed expiration dates for building permits and asked if it would be 3 years of permit issuance.

Mr. Adkins stated that the plan approval would be for 3 years from the date of the final plan approval.

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 made a positive recommendation to the Mayor & Board of Alderman for PC12-145ZTA for Section 423, *Historic Preservation Overlay*, and for Section 1002, *Definitions*, of the LMC clarifying the existing language and in accordance with the staff report.

SECOND: Commissioner Fetting.

VOTE: 4-0.

Commissioner Bokee noted rezoning application PC12-184ZMA, Baughman's Lane (next to Independence Fire Company), and recommended to the Commission that amendment be moved up after PC12-164ZMA, 199 Baughman's Lane. This is the first of 2 hearings for each of these. No recommendation will be made for these tonight.

I. Comprehensive Rezoning

PC12-158ZMA & PC12-159 ZMA-Opossumtown Pike

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone properties by removing the IST (Institutional) Floating Zone with the base zoning of R8 (Residential) to remain.

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

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:

City was the applicant, so no presentation was given.

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:

This is the first of two required hearings, so no vote was taken.

PC12-160ZMA-7419 Hayward Road

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the property by removing the IST (Institutional) Floating Zone and rezone to PB (Professional Business)

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

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:

City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

Noel Manalo, Miles & Stockbridge concurred with the staff report.

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:

This is the first of two required hearings, so no vote was taken.

PC12-161ZMA 7630 Hayward Road

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the property by removing the IST (Institutional) Floating Zone with the M1 (Light Industrial) zoning to remain.

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

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:

City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

Mr. Jim Schmersahl, FCPS stated that he concurred with the staff report.

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:

This is the first of two required hearings, so no vote was taken.

PC12-161ZMA 7630 Hayward Road

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the property by removing the IST (Institutional) Floating Zone with the M1 (Light Industrial) zoning to remain.

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

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:

City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

Mr. Jim Schmersahl, FCPS stated concurred with the staff report

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:

This is the first of two required hearings, so no vote was taken.

PC12-162ZMA-7516 Hayward Road

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the property by removing the IST (Institutional) Floating Zone with the M1 (Light Industrial) zoning to remain.

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

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:

City was the applicant, so no presentation was given.

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:

This is the first of two required hearings, so no vote was taken.

PC12-162ZMA-7516 Hayward Road

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the property by removing the IST (Institutional) Floating Zone with the M1 (Light Industrial) zoning to remain.

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

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:

City was the applicant, so no presentation was given.

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:

This is the first of two required hearings, so no vote was taken.

PC12-163ZMA-7518A North Market Street

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the property from RC (Resource Conservation) to GC (General Commercial).

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Stup asked if the soils and floodplain information could be added to the report for the next hearing.

Commissioner Fetting asked if there is any type of background because RC is a bit different than GC. She asked Staff for any insights as to why it was zoned RC?

Mr. Adkins stated that in 2005 the site was so impacted by the floodplain that, that may have been why it was zoned that way. He noted that this site, whatever it is zoned, will be very hard to develop in the future.

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

City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

Mrs. Donna Kuzemchak stated that concurred with the staff report.

Mr. Jeff Holtzinger stated that it doesn't make sense that the property is zoned RC in that location and feels the request is appropriate.

Mr. John Gibson, property owner, stated that he concurred with the staff report and would like the Commission to approve the request.

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:

This is the first of two required hearings, so no vote was taken.

PC12-164ZMA-199 Baughman's Lane

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the property from R4 (Low Density Residential) to R12 (Medium Density Residential).

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

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:

City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

Mrs. Elizabeth Conley Claggett, property owner, stated that she concurred with the staff report and would like the property to be consistent with the Comprehensive Plan.

Commissioner Fetting asked why request R8 (Medium Density Residential) was not considered since the neighbors are R8.

Mrs. Claggett stated that would be reasonable.

Judy Wade, 1615 Rock Creek Drive, stated that she is opposed to the rezoning of the property and has concerns of traffic.

Paul Gordon, 202 Meadowdale Lane, stated that the R12 does not fit with what is existing.

Belinda Morton, 1037 Lindfield Drive, (speaking for NAC 5) stated that she is opposed to the rezoning and concerned about adding a huge influx of traffic. She added that she has over 500 signatures opposed to this request and would like them submitted for the record.

Robert Morrow, 212 Baughman's Lane, stated he is opposed to the request and the traffic now is terrible. He also feels the property could be partially zoned R4 and R6.

Monica Campolongo, Taskers Chance, has concerns regarding traffic. She doesn't think the area can handle R12 and is opposed to the request.

Frances Wade, Rock Creek Drive, is opposed to the request and feels the property should retain the R4.

Jennifer Wilson, 1030 Lavenport Way, stated that the surrounding areas are not consistent with the request and she is opposed.

Dimiter Dimitrov, 1019 Stovington Drive, is opposed to the request.

Linda Gilbert, Waterford Commons, feels that bringing in high density housing will lower property values and is opposed to the request.

Janice Clark, 110 Lavenport Circle, enjoys the scenery and the animals from the farm. She feels the area cannot support the request. She is opposed to the request.

Bill Lash, Taskers Chance, concurred with all the public comment given and is opposed to the request.

Marsha McDonald, 120 Burgess Hill Way, stated that the request does not suit the surrounding area and property values have decreased incredibly. She is opposed to the request.

Brian Gregory, Rock Creek Estates, would like to see the property stay consistent with what is already in place in the surrounding areas either R6 or R4. He is opposed to the request.

Donna Kemp, Taskers Chance, feels the area needs to keep the zoning that is placed on the property now. Traffic is a major concern and she is opposed to the request.

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:

This is the first of two required hearings, so no vote was taken.

Commissioner Bokee made a recommendation to the Commission that they will continue the rezoning cases through PC12-171ZMA 1000-1010 West 7th Street and the remainder of the rezoning's will be heard on April 23rd.

PC12-185ZMA-Baughman's Lane

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the property from R4 (Low Density Residential) to R12 (Medium Density Residential).

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

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:

City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

Paul Gordon, 202 Meadowdale Lane, has concerns about traffic and public safety. He is opposed to the request.

Robert Morrow, 212 Baughman's Lane, would like to keep the property zoned R4 and is opposed of the request.

Belinda Morton, 1037 Lindfield Drive, (speaking for NAC 5) has concerns of how this request will affect the response of the fire house. This is the worst part of Baughman's Lane because of the parking on both sides of the street. She is opposed of the request.

Dale Wade, 1615 Rock Creek Drive stated that his major concern for that area is safety. He is opposed to the request.

Dimiter Dimitrov, 1019 Stovington Drive, concurs with the previous speakers and is opposed to the request.

Janice Clark, 110 Lavenport Circle, feels that this would cause a negative impact on traffic and safety. She is opposed to the request.

Ken Sylvester, 1629 Shookstown Road, stated that allowing the property owner to develop more homes for more traffic doesn't make sense. He is opposed to the request.

Jennifer Wilson, 1030 Lavenport Way, feels that the property now is a big safety hazard for pedestrians and to rezone to R12 and massively impact that area is hideous. She is opposed to the request.

Kevin Cawley, property owner, stated that the fire department felt comfortable to get up the driveway on Baughman's Lane. He said whether this is approved for 5 houses or 10 houses it has to meet traffic, fire and all the requirements. There is a lot better design that can occur in the R12, R8 zone rather than R4.

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:

This is the first of two required hearings, so no vote was taken.

PC12-165ZMA-Fredericktowne Mall

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the property from MU1 (Mixed Use) to GC (General Commercial).

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

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:

City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

Dave Severn, representing the property owner, stated that the zoning that is being requested GC (General Commercial) is much more appropriate. It was zoned this for many years and was changed in 2005. It was a plan approved and it mandated under Mixed Use to have a residential component. He said that the maximum density allowed is 75 dwelling units per acre of residential development. Mr. Severn stated that the property owner has to have the GC zoning in order to have the mall redeveloped and is willing to accommodate criteria with the Golden Mile Small Area Plan.

Belinda Morton, 1037 Lindfield Drive, (speaking for NAC 5) stated that the owner has not told the community what they are proposing. They would like to know what they are planning so they know what their intent is and if they are meeting what the community's visions are.

PETITIONER REBUTTAL:

Mr. Severn stated that there are no specific plans for the mall but that the interest is for large retail. He stated that he and his client would like to work with NAC 5 on how to design the layout of the mall and focus instead on how it is designed and what we can do with the mall property rather than focus on any specific uses and that until they have the zoning, they are not going to have a user.

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:

This is the first of two required hearings, so no vote was taken.

PC12-166ZMA-607 Rosemont Avenue

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to place IST (Institutional) Floating Zone on the property.

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

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:

City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

Andrew DiPasquale, representing Hood College, stated that the College would like to have some beneficial use of the property as part of the campus or to serve the larger campus. He noted that there are no immediate concrete plans and the existence of the IST zone doesn't create any immediate impact. He added that Hood would use the existing structure for administrative or academic offices. There would be no benefit in raising the structure.

Cleopatra Campbell, 602 Rosemont Avenue, stated that the application is inadequate for the property and feels that the site is an eye sore. She had photographs of the site that she submitted for the record. She is opposed of the request.

Tim Daniel, 514 Magnolia Avenue, stated that his major concern is the fate of the existing house on the property and the impact it will have on the neighborhood if it were to be demolished. He is opposed to the request.

Brian Dylus, 701 Rosemont Avenue, stated that he is confused why the college is submitting this application. He concurred with the two previous public speakers. He also has concerns regarding the house and if it will be demolished. He is opposed to the request.

PETITIONER REBUTTAL:

Mr. Dispasquale stated that he understands the concerns of the neighbors. This will serve as a meaningful transition. The Comprehensive Plan speaks about between incompatible uses. Hood College wants to preserve and protect the structure on the property and utilize it for the benefit of the campus and campus operations, but it will retain the residence and the residential character. He said that the site is not large enough and has too many constraints for any sort of redevelopment meaningful enough to be beneficial on this property... Anything Hood wants to do on the property is non-conforming because it is a single family dwelling which is defined in the LMC as a dwelling for the purposes of habitation by one family.

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:

This is the first of two required hearings, so no vote was taken.

PC12-167ZMA-356 Park Avenue & PC12-168ZMA Elm Street

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the properties from DBO (Downtown Business Office) to R8 (Residential).

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

PLANNING COMMISSION QUESTIONING OF STAFF:

Alderman Russell asked if there are any properties along the Park Avenue corridor that are office not residential.

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

City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

Katie House, 356 Park Avenue, is requesting the rezoning because she would like to preserve the character and historical neighborhood that she loves and she wants to further delineate the residential neighborhood from the nearby institutions. She feels that having it rezoned to R8 would give a more definitive barrier between Hood College, FMH and all the houses.

Tim Stevenson, 512 Elm Street, stated that Elm Street is purely a residential neighborhood with no businesses and feels that the zoning map should be consistent in zoning of all properties on Elm Street. He feels that the designation of DBO is inappropriate for the houses on Park Avenue and Elm Street. He added that the 6 houses on Elm Street should be consistent with the rest of the homes on Elm Street.

Janice Martin, 516 Elm Street, stated that her and her husband found out about the deadline a few days prior that their property was zoned DBO. She feels they didn't have enough time to go through the application process but would prefer being zoned R12.

Galín Martin, 516 Elm Street, concurred with his wife and would like to be rezoned.

Commissioner Stup asked Mr. & Mrs. Martin if they could send a letter into staff that they concur with the proposal and that they would like to be included with the zoning of R12.

PETITIONER REBUTTAL:

There was no petitioner rebuttal.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

Commissioner Stup verified that the application is just for one lot.

Mr. Davis responded yes and that they have not received anything from the other property owners.

Commissioner Bokee asked if the Commission has the discretion and would have to go through the public hearing process for any owners that would be affected to make a recommendation for a change in zoning even if the zoning request is not come forward.

Mr. Adkins stated that as a Commission, they could make that request and staff would have to go back and look at whatever block and bring it forward to the Commission.

Commissioner Stup asked if the Commission could do that as a part of this request.

Mr. Adkins responded that it would have to be discussed with the Legal Department to clarify that.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revisions from planning staff.

PLANNING COMMISSION ACTION:

This is the first of two required hearings, so no vote was taken.

PC12-169ZMA-1705 Rosemont Avenue & PC12-170ZMA-1707 Rosemont Avenue

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the properties from NC (Neighborhood Commercial) to either MU1 or MU2 (Mixed Use) or RO (Residential Office).

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

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:

City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

Jeff Holtzinger, Holtzinger & Weaver, stated that the preference is for MU. He said there has been a substantial amount of improvement done to this property. It was taken from a weekly rented residential rundown piece of property and it was changed to Neighborhood Commercial (NC). He added that they have explored every avenue of NC. He stated that this is simply a small property but it needs the flexibility that comes with MU in order to get use out of it. He added that it is consistent with the purposes set forth in the LMC. It may not be the typical request for MU but if you look at the small lot standards for MU he feels this actually will have to be MU-2. He respectfully requests the MU zoning.

Ben Pogue, 401 Lee Place, stated that he has concern of the alley that is used to access the 6 parking spaces that would be used by this property. He said the alley is about 14 feet wide and when two cars try to pass each other one usually ends up driving in the yard. The idea of having more traffic in this area is concerning. He is opposed to the request.

Dennis McQuiston, 1701 Rosemont Avenue, stated that for this property to go Mixed Use they could do anything with the property. He feels that it can't be anything more than Residential Office. He is opposed to the request.

Raymond Droneburg, 1703 Rosemont Avenue, stated that the site is better now that it has ever been. He has issues with the cab company. He has safety concerns because of the traffic. He has no preference of what the property is zoned.

PETITIONER REBUTTAL:

Mr. Holtzinger stated that this property can't be held responsible for traffic from the cab company. The process for this small project was difficult. As far as increase in traffic, NC, which is there now, could produce a substantial amount of traffic if there was someone that wanted to buy or lease the buildings. There will be no meaningful net impact because of the structure. Residential Office (RO) isn't going to work with this type of structure because of the layout. He added that uses are limited in RO.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

Commissioner Stup verified that the application is just for one lot.

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revisions from planning staff.

PLANNING COMMISSION ACTION:

This is the first of two required hearings, so no vote was taken.

PC12-171ZMA-1000-1010 West 7th Street

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the properties from R6 (Residential) to RO (Residential Office).

INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two hearings, so no recommendation is needed at this time.

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:

City was the applicant, so no presentation was given.

PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

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

PUBLIC COMMENT:

Mr. Bruce Dean, Linowes & Blocher, stated that the RO zone is for low and medium density residential properties such as these. It is for properties where, due to a lot of traffic, the ongoing residential use becomes less tenable but one that is to give the property owner some flexibility. He added that there are no immediate plans to convert these dwelling units to offices but his client would like to have that flexibility. He feels this request is appropriate and would like a favorable consideration to rezone to RO.

Ed Hinde, 601 Magnolia Avenue, presented a PowerPoint to the Commission which was entered as part of the record. He gave a brief history of the area. He feels that the units are the gateway to Rosedale. He has concerns of traffic and feels it is the responsibility of the City to protect and mitigate the impact of this neighborhood. He stated that this area has been low density residential for 57 years and feels there is no other intent other than that. He is opposed to the request and has 164 signed letters in opposition from residents.

David McLean, 519 Fairview Avenue, stated that the application is inconsistent with the 2010 Comprehensive Plan. He feels this request will open the door for more commercial development. He also has concerns with traffic congestion and pedestrian safety. He is opposed to the request.

David Weber resides, 900 West 7th Street, stated that once you start the rezoning process it begins to spread and he doesn't want that to happen. He would like it to be left "as is" and is opposed to the request.

Avalon Berkebile, 1010 West 7th Street, stated that everyone knows there is heavy traffic on 7th Street but it isn't always constant and it causes no problem for the condo residence. There is easy access onto 7th Street and Rte. 15. These condos have been an integral part of the Rosedale neighborhood for many years and there have never been a question of residential viability in the past, there are not now and feel there will not be any in the future. She supports the request.

Maryllynn Hinde, 601 Magnolia Avenue, feels that rezoning the properties sets a precedence that will cause a new set of challenges and issues that will negatively impact the quality of life. She is opposed to the request.

Sarah Heald, 603 Culler Avenue, feels that this property should not be rezoned and the request is not consistent with the Comprehensive Plan. She has concerns of traffic. There is no demand for office space in the neighborhood. She also feels the application should have never been accepted. She is opposed to the request.

Michael Pfarr, 1108 West 7th Street, gave a brief history of the property. He is opposed to the request.

Louisa Potts, 707 Magnolia Avenue, stated that the reason she bought in the area is because it is very residential. Her biggest concern is the safety of the pedestrian traffic. She also added that she has concerns about parking and the traffic congestion. She is opposed to the request.

Jennifer Dougherty, 611 Magnolia Avenue, feels the application is inconsistent with the 2010 Comprehensive Plan. She stated that the application should not have been submitted because there has not been a substantial change of use. She feels that the City should do everything it can to preserve existing residential units. She added that conversion will increase traffic congestion. She is opposed to the request.

Tracey Daniel, 514 Magnolia Avenue, feels that the property should remain R6. She stated that there is no necessity or compelling reason to change them to RO. She added that allowing offices in these buildings will exacerbate the traffic situation on 7th Street. She is opposed to the request.

Tim Daniel, 514 Magnolia Avenue, stated that the retaining 7th Street strictly as residential is important into keeping a balance of mixed uses and not giving 7th Street entirely over to commercial use. He added that allowing commercial use on this property will only exacerbate current traffic and pedestrian safety concerns by introducing the continuous rhythm of daytime traffic of the area. He is opposed to the request.

Earl Nelson, 1103 Evergreen, concurs with all the comments made. He has a concern regarding the traffic on Fairview Avenue, that there is too much there already. He is opposed to the request.

Judy Nelson, 1103 Evergreen, concurs with everyone's comments thus far. She has concerns for pedestrian safety because there are no walk lights. She is opposed to the change in zoning.

Brett Carpenter, 705 Fairview Avenue, stated that he fully supports businesses and would like to see Frederick take off but doesn't see any reason to rezone these particular properties. He feels it isn't consistent with the spirit of the community. He is opposed to the request.

Ann McDermott, 603 Fairview Avenue, stated that she concurs with all the comments made this evening regarding safety, traffic. It is inconsistent with the 2010 Comprehensive Plan. She is opposed to the request.

Jenny Saucer, 608 Culler Avenue, stated to rezone to RO would increase the infringement upon the neighborhood. There will be a substantial increase in traffic on Reservoir Alley year round instead of seasonal. She has concerns for pedestrian safety. She is opposed to the request.

PETITIONER REBUTTAL:

Mr. Dean stated that the idea of changing the character of the neighborhood or mistake in zoning is not applicable to a Comprehensive Rezoning. He added that there will always be tension between growth and existing neighborhoods. The RO zone was designed for this exact situation. He feels the frustration of the neighborhood but that was the RO zone was designed for. The Comprehensive Plan for sees the transition of neighborhoods likes this from Residential to Residential Office where the buildings have to stay the way they are. He feels the RO zone is the appropriate transitional zone for this group of properties.

PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

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

RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revisions from planning staff.

PLANNING COMMISSION ACTION:

This is the first of two required hearings, so no vote was taken.

Second hearing for the rezoning cases will be on May 14, 2012.

Meeting adjourned at 11:20 p.m.

Respectfully Submitted,

Carreanne Eyer
Administrative Assistant

APPROVED 05-14-2012