

**Planning Commission Hearing Minutes
April 23, 2012**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Elisabeth Fetting Rick Stup	Josh Bokee	Joe Adkins-Deputy Director for Planning Matt Davis-Division Manager of Comprehensive Planner Scott Waxter-Assistant City Attorney Carreanne Eyler-Administrative Assistant

I. 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”.

COMPREHENSIVE REZONINGS:

PC12-172ZMA-1606 North Market Street

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the rear of the property from R6 (Low Density Residential) to R16 (High 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:

Commissioner Nash asked if the property would be subdivided.

Mr. Davis responded that he would assume so, but the owner would have to answer that question.

Commissioner Nash asked what are the requirements for a lot to be zoned, specifically, if it needs to be a unique lot to itself or if it can be a description of a portion of a lot.

Mr. Adkins stated that there are 12-20 properties within the City currently that have zoning that is not following the property lines and one parcel having 2 zoning classifications. The properties that are split zoned are older properties that have been that way for some time and would require some type of description of how far back from North East Street that zoning classification would go.

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:

Allen Merchant, 1606 North Market Street, stated that he concurred with the staff report. He stated that he would like to have it return to the multi-family so that he would have other options with the property.

David Masser, 1608 North Market Street, stated that he would like to add his property to the request. He was not aware that the zoning was being redone. He supports the request.

Commissioner Nash asked what the policy is or is there a deadline for adding an application.

Mr. Adkins stated that there is a meeting set up with the Legal Department to discuss how that can be done and that staff should be able to confirm this soon.

Commissioner Stup asked if the line that the applicant and Mr. Masser are talking about is the tree line or fence line

Mr. Masser responded that, currently if you stand out there you can just see the line.

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:

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

PC12-173ZMA-1705 North Market Street

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to the property from NC (Neighborhood Commercial) to M1 (Light Industrial).

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, speaking on behalf of Coca Cola Inc., stated that what they want to do is promote the marketability of the property. He stated the goal is to revert back to M1 and hopefully, attract some interest for that type of use out there. He believes that the M1 zone is unlikely to result in any measureable impact on community facilities or City services. This provides a better opportunity for the adaptive reuse.

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:

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

PC12-175ZMA-104 West 9th Street

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the property from R8 (Medium Density 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:

Corinne Bradac, property owner, stated that she concurred with the staff report. She stated that she has a small accounting/tax business and feels this property is compatible for the rezoning.

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:

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

PC12-176ZMA-317 South Jefferson Street & PC12-178ZMA-320 South Jefferson Street

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the properties from PB (Professional Business) to NC (Neighborhood 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:

Alderman Russell stated that the Jefferson Street area is an area that we will be looking at for a Small Area Plan. She asked if there is any thought as to how this might fit in with what is being envisioned for that area.

Mr. Adkins stated that the Jefferson Street is 3rd on the list after another item from East Frederick and that currently, with working on the Golden Mile, Staff has not put any effort into that as of yet.

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. He said that the requests are compatible with the neighborhood. He added that they don't want the properties to remain vacant and feel that the requests will help facilitate occupancy of those spaces.

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:

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

PC12-177ZMA-214 Broadway Street

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the property from DR (Downtown Residential) 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:

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:

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

PC12-179ZMA-13 East 2nd Street & PC12-183ZMA-18 East 2nd Street

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the properties from DBO (Downtown Business Office) to DB (Downtown Commercial/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 we know why the previous Board of Alderman decided that the property at 13 East 2nd Street for the north side to be DR and the south side to be DBO was the best decision for this.

Mr. Adkins replied that there were 5 workshops and at one of the workshops the citizens on East 2nd Street came and requested that the properties be changed to protect the residential feel of the neighborhood. He stated that the property owners then came in and requested everything to stay status quo. He feels that is was to protect the residential feel of that street.

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:

Maryann Ferguson, representing Larry and Denise Harper stated that the property at 13 East 2nd Street has been owned by her client since 1982 and has been used continuously as their client's professional office. The change of zoning in 2005 did cause this existing business non-conforming. She added that changing the zoning will make this property a conforming use and feels that the change in 2005 was a mistake.

Arthur Dee, 105 East 2nd Street feels that a DBO is more appropriate for Mr. Harper's property. He added that a concern he has is encroachment of business properties into the residential areas. He feels it is also important to maintain the residential beauty and quality of 2nd Street. He is opposed to the request.

Julia Ferguson, 20 East 2nd Street. read a letter from Linda Moran who lives at 29 East 2nd Street but then also made comments of her own. She stated that Linda is opposed to the requests for both properties on East 2nd Street and feels that the request is not compatible for this area which is primarily residential. Ms. Ferguson stated there are a lot of nice residences on 2nd Street and feels strongly that residential areas in downtown needs to be maintained. She is opposed to the request.

Mary Costello, 35 East 2nd Street, stated that she objects to expansion of businesses on East 2nd Street. She is opposed to the request.

Alan Phillips, 33 East 2nd Street, stated that he concurred with the previous comments this evening. He is opposed to the request.

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:

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

PC12-180ZMA-115 East Church Street & PC12-181ZMA-117 East Church Street

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the properties from IST (Institutional) to DB (Downtown 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:

Crystal Chamberlin, Land Acquisition Coordinator for Frederick County, stated that these properties are vacant and for marketability purposes, they would like to sell them and that the way to make the properties more attractive is to lift the zoning.

Amy Paradise, East 5th Street, stated that if you change the zoning then you affect the whole area 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 question 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.

PC12-182ZMA-184 East South Street

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to rezone the property from M2 (Heavy Industrial) to MU1 (Mixed Use).

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:

Bruce Dean, Linowes & Blocher, stated that the owners of the Brickworks are requesting that approximately 16 acres be rezoned from the M2 to the MU1. He stated that it would be interesting for the City to consider rezoning some of the properties that front on South Street to the MU district if they don't create non-conforming uses. Mr. Dean stated they would like to move forward with the process.

Ann Rollins, Miles & Stockbridge representing the Farmers' Cooperative Association, stated that they object to the proposed rezoning because it is not consistent or compatible with the surrounding heavy industrial uses in the area and feels it could have a negative impact.

David Burrier, Vice President of the Board of Directors for Southern States, feels that mixing residential so close to the heavy industrial would not be sensitive to the business to make this zoning change. We have a lot of traffic and it would not be compatible. They are opposed to the request.

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:

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

PC12-185ZMA-North Market Street/Hope VI Project Area

INTRODUCTION OF CASE BY THE PLANNING STAFF:

Request to remove the Historic Preservation Overlay (HPO) zone.

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:

Marc DeOcampo, DeOcampo Design Collaborative, LLC. gave a brief presentation on the history of the property and why it is not really a historic community and anything that is built should stay in keeping with the historic fabric of downtown Frederick. He stated that he would like the Commission to consider a transitional zone which is complementary to the historic character of downtown Frederick but allows for new construction.

Krista McGowan representing Nexus Homes stated that speaking with some of the residents there are those who have expressed concerns and feels there is a better way to do this to satisfy our needs as well as the residents. It is important that the project maintain its high standard of quality. The transitional form based zone might be the best way to handle this and could be positive for the City and the residents. She concluded by stating that they withdraw the request for “de-annexation” but would ask for support in working together to develop a transitional zone.

Commissioner Nash asked if they anticipate this being a subset of the Historic District Guidelines that would recognize this area as an overlay that would have pre-determined approved windows, styles, shapes etc....

Mr. DeOcampo stated that what he envisioned was something that would be similar to the Carroll Creek Overlay where it is a Planning Commission base code for when it comes time for site planning. When it comes to the details of the construction it would be reviewed by the building department.

Peter Samuel, 102 West 3rd Street, stated that he enjoys living in the Historic District but doesn't like all the guidelines and can understand someone wanting to get out of it so he came to support the request.

Joanne Ivancic, 507 North Bentz Street, stated that she is glad to hear the request has been withdrawn. She also stated that she is glad to see sustainable building in the City however she is dissatisfied with the look of the buildings on the property. She feels the look more industrial. She stated that with the property being in the Historic District and they are able to construct buildings that are inconsistent with the neighborhood then what would they have done if they would have not withdrawn their request and it was approved.

Scott Winette, Chair of the Historic Preservation Commission, read a letter submitted to the Planning Commission from the Historic Preservation Commission into the record opposed to the request. He was glad to hear it has been withdrawn.

Blake Ferguson resides, 20 East 2nd Street, stated that he is glad to hear the request has been withdrawn and welcomes the new proposal that was made.

Amy Paradise, 15 East 5th Street, stated that when you make changes you open the door for the change in the neighborhood. She said that she would like to see where this goes.

Anthony Moscato, 9 East South Street, stated that he started the Friends of Frederick City Historic Preservation. He stated that when he got word of the “de-annexation” of the housing development that is when he decided to mobilize individuals to see what they could do to stop the request.

Gill House stated that this development has already changed the street scape of North Market Street by the addition of Lord Nickens Street. He said in regards to the transitional code, can you imagine how much time would be spent to try to get it right for the LMC.

Barbara Wyatt stated that she was prepared to speak on retaining this part of the Historic District. She feels that the HPC has done an admirable job with a very challenging review and would encourage that it stays on track as it is a part of the Historic District.

Jean O’Connor, North College Parkway, stated that she thinks the transitional zone would be a mistake and feels that this needs to stick with the Historic District standards.

Kate McConnell, 117 East 5th Street, stated that she came to urge the Commission to deny the request.

Robert Kannor, 221 East 3rd Street, is glad to hear of the request being withdrawn. He said that if you put in a transition code then all you are doing is creating adverse impacts and creating more of a workload.

Bob Lewis, 301 College Place, stated that he came to urge the Commission to deny the request and don’t do anything to jeopardize the Historic District.

Bernard Callan, 504 West 2nd Street, stated that the HPC has worked traditionally with new construction guidelines that are a lot more lenient than repairs or changes to older Historic properties. He said that he has seen where communities had the transitional guidelines and usually it winds up the older neighborhoods get trashed. He encouraged the Commission to keep this area in the Historic District.

Joan Jenkins stated that the company is looking at the Historic District as a negative. She feels it is a positive because it protects the people buying the houses. She said that she enjoys living in the Historic District. She is thankful of the consideration of expanding the Historic District.

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:

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

Second hearing for the rezoning cases will be on May 15, 2012.

Meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Carreanne Eyler
Administrative Assistant

APPROVED 05-14-2012