

## Planning Commission Hearing Minutes June 11, 2012

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

### I. ANNOUNCEMENTS:

Mrs. Dunn announced that there will be a PC Workshop on Monday, June 18, 2012 at the Municipal Annex Building to discuss the second set of Comprehensive Rezoning's and they are areas within NAC's 4, 6, 7, 9, 10, 11 and 12.

### II. APPROVAL OF MINUTES:

Approval of the **June 8, 2012** Pre-planning Commission Meeting Minutes as amended:

**MOTION:** Commissioner Stup.

**SECOND:** Commissioner Fetting.

**VOTE:** 5-0. (Commissioner Bokee abstained)

Approval of the **May 14, 2012** Planning Commission Meeting Minutes as amended:

**MOTION:** Commissioner Stup.

**SECOND:** Commissioner Fetting.

**VOTE:** 5-0.

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

**MOTION:** Commissioner Stup.

**SECOND:** Alderman Russell.

**VOTE:** 5-0. (Commissioner Fetting abstained)

### 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.)

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**V. CONTINUANCES:**

**A. PC12-112FSI-Final Site Plan, FCC Building C Renovation Addition**

**MOTION:** Commissioner Stup.  
**SECOND:** Commissioner Fetting.  
**VOTE:** 5-0.

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**VI. NEW BUSINESS:**

**B. PC12-275FSCB-Combined Forest Stand Delineation/Preliminary Forest Conservation Plan, Frederick Memorial Offsite Planting**

Mrs. Dunn entered the entire staff report into the record. There was no public comment on this item.

**MOTION:** Commissioner Stup moved to approve PC12-275FSCB in accordance with the staff recommendations.  
**SECOND:** Commissioner Bokee.  
**VOTE:** 5-0.

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**C. PC12-217MXU-Master Plan, Market Square**

Mr. Love entered the entire staff report into the record. There was no public comment on this item.

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

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**D. PC12-077ZTA-Text Amendment, Section 864 Sign Regulations**

Mrs. Dunn entered the entire staff report into the record. There was no public comment on this item.

**MOTION:** Commissioner Stup moved to recommend approval of PC12-077ZTA to the Mayor & Board of Alderman as submitted by staff.  
**SECOND:** Commissioner Fetting.  
**VOTE:** 5-0.

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**E. Comprehensive Rezoning**

**Item #1 Rosemont /Yellow Springs**

Mr. Davis entered the staff report into the record. Public comment was received.

Bruce Dean, Linowes & Blocher stated that he submitted a letter on behalf of his client asking this zoning to not change. He added that they feel that General Commercial (GC) is the right zoning for this property and that they support staff's recommendation.

Dennis Murphy, property owner, stated that they had a special Manufacturing Office (MO) zoning to

move where we are located. He asked that in the changes that have been made, does that still exist or where they changed unknowingly to this GC zoning.

Mrs. Dunn stated that the last rezoning of the City was done in 2005 and at that time new zoning regulations were adopted, the LMC, and a whole new Comprehensive Rezoning was done. The whole map changed and at that time it was assigned the General Commercial (GC) zone.

The Planning Commission consensus agreed with staff that leaving the GC zoning intact would be most appropriate action for this area.

**Item #2 & 3 7912 & 7916 Opossumtown Pike**

Mr. Davis entered the staff report into the record. No public comment was received.

The Planning Commission consensus agreed with staff that the designation of IST for these properties was a mistake and that it should be returned to the underlying zoning, R8.

**Item #4 7419 Hayward Road**

Mr. Davis entered the staff report into the record. Public comment was received.

Connie Pryor, 1841 Lawnview Drive, stated that the NAC concurs with staff that Professional Business (PB) is not the best zoning for this property. They are concerned for child safety, increased traffic.

Patricia Hartman, 1845 Lawnview Drive, stated that she agrees strongly to keep it a residential area. Her concern is the safety of the children and keeping it residential is the way to do it.

Dave Giles, 1922 Harpers Court, stated that he concurs with staff's recommendation. He feels it is the best interest of zoning for public safety.

Nancy Slovikosky, 1849 Lawnview Drive, stated that she concurs with staff and thinks this property should stay residential not only for the safety of the children but also the houses around it.

Rand Wineberg representing the owner stated that they applied for the PB zoning because they feel it is the least intensive use for the property, recognizing the IST was a mistake. He doesn't feel R8 is appropriate for this property and thinks that it is more intensive. He feels traffic would be more impacted with R8 zone compared to PB.

Justin Ausherman, Ausherman Properties, stated that concurred with Rand Wineberg. He stated that redeveloping this property to a commercial office building would be an enhancement to the region. They also believe it will increase the value of the property and income revenue via property taxes for the City and County. Mr. Ausherman disagrees with the staff recommendation of keeping it a residential zoning.

Beth Conny, 7419 Hayward Road, stated that she has concerns about traffic and it is not a minor issue. She feels that the zoning of residential is sufficient and doesn't think the neighborhood should be asked to pay for the mistakes the City has made.

Jonathan Gilbert stated that he has a hard time believing that residential will bring more traffic than business into the area. He feels that zoning the property PB is a bad idea.

The Planning Commission consensus agreed with staff that the IST zoning is not appropriate. However, they do feel that PB may be appropriate for the site. Alderman Russell was undecided.

**Item #5 & 6 7630 & 7516 Hayward Road**

Mr. Davis entered the staff report into the record. Public comment was received.

Ray Barnes, FCPS, stated that the request is consistent with the surrounding area and concur with the staff report and the comments made by staff.

The Planning Commission consensus agreed on removing the IST designation from the properties and establishing the M1 zoning for both properties.

**Item #7 Thomas Johnson Drive**

Mr. Davis entered the staff report into the record. Public comment was received.

John Tomasini, 7649 Hayward Road, stated that he concurs with staff's recommendation and feels that it benefits the neighborhood.

The Planning Commission's consensus agreed with the staff's recommendation to rezone the 3 properties.

**Item #8 Byte Drive**

Mr. Davis entered the staff report into the record. No public comment was received.

The Planning Commission's consensus agreed with the staff's recommendation as Thomas Johnson Drive appears to provide a logical division between the GC zoning on its east side and the industrial and institutional zoning on the west. Staff suggests it may be appropriate to revisit this property when Monocacy Boulevard is completed and connects to Christophers Crossing.

**Item #9 Willow Road**

Mr. Davis entered the staff report into the record. Public comment was received.

Nancy Green, MacIntosh Commercial, stated that they concur with the staff recommendation.

Barbara Quinn, 7611D Willow Road, stated that there is no logical reason or criteria to change the zoning.

Diane Cummings concurred with staff's recommendation.

The Planning Commission's consensus agreed with the staff's recommendation to leave the GC Zoning as recommended.

different single permitted for GC zoning.

**Item #10 Baughman's Lane**

Mr. Davis entered the staff report into the record. Public comment was received.

Bob Morrow, 212 Baughman's Lane, stated that he protested the zoning. He has concerns of parking and traffic. He feels there should be no change in zoning.

Belinda Morton, 1037 Linfield Drive, stated that there are concerns of traffic congestion, parking along Baughman's Lane, and the emergency response time. She feels that R4 over R12 is a better choice of zoning for the property.

John McGrath, 119 Waterland Way, stated that to change this to anything other than R4 would hurt the property values.

Kevin Cawley, owner of the property, stated that this property is the only residential property on Baughman's Lane that is not zoned R12. He feels that the R8 zoning is a good transition with a much more flexible use.

Dale Wade, 1615 Rock Creek Drive, stated that there is already an overflow of parking and feels certain that if zoned R8, it would generate more parking issues can be accommodated.

Michael Hennie, 1641 Shookstown Road, stated that there are foot traffic issues in the area where everybody is cutting through the yards. He added that the increase of density in our area will create parking problems.

Diana Holland, 76 Victoria Square, stated her concerns are the traffic because the area has heavy traffic already.

Kay Morrow, 212 Baughman's Lane, stated that there is concerns regarding traffic and with potentially having 11 units and asks that the property stay zoned R4.

The Planning Commission's consensus agreed with the staff's recommendation for the transition of R8 zoning.

**Item #11 199 Baughman's Lane**

Mr. Davis entered the staff report into the record. Public comment was received.

Belinda Morton, 1037 Linfield Drive, stated that they don't want to see the history bulldozed. She added that there are concerns of overcrowding of the schools, road structure, and crime if a huge development would go in.

Bob Morrow, 212 Baughman's Lane, stated that zoning it to R8 does not make sense. He stated that if the property becomes medium density it will cause the traffic issues to be worse.

Elizabeth Conley Claggett, property owner, stated that they are willing to make the compromise from requesting R12 to R8. She also stated that they will listen to the concerns of the citizens during the process. Mrs. Claggett added that they are requesting the rezoning to match the City's Comprehensive Plan.

Judy Wade, 1615 Rock Creek Drive, feels that the current R4 zoning closely resembles the existing home in Rock Creek Estates. She feels that putting townhomes or apartments is out of character with the rest of the neighborhood. She has concerns regarding traffic. She feels that the decision regarding the rezoning of this property should be postponed until the City can conduct traffic surveys.

Dale Wade, 1615 Rock Creek Drive, stated that he has concerns of traffic. He stated that the previous board found that this property was fit to be zoned R4 and doesn't see any reason for it to be changed.

Resident of Taskers Chance had concerns regarding green space and the major traffic issues.

Virginia Grace of Baughman's Lane stated that before a site plan is approved that she would hope that no more water be allowed to go into Rock Creek or any more cars parked along Baughman's Lane and has concerns regarding traffic.

Mr. Linton stated that traffic on Baughman's Lane is terrible and feels there are too many cars on that street and that is a major problem and not sure what the solution would be.

The Planning Commission's consensus agreed with the staff recommendation.

**Item #12 1301 West Patrick Street**

Mr. Davis entered the staff report into the record. Public comment was received.

Dave Severn, Severn, O'Connor & Kresslein, stated that they would like to have the GC zoning restored. He stated that his client is willing to fulfill many of the aspirations of the Golden Mile Area Plan. He stated that there are several things that the Golden Mile Plan does talk about that if rezoned to GC, that the developer will work with staff on architecture, materials etc.. Mr. Severn stated that Mixed Use zoning doesn't work. Something needs to generate more business, retail and tax revenue than is currently coming off of the mall.

Diana Holland, 76 Victoria Square, stated that they do not want a Walmart or Target in this area.

Belinda Morton, 1037 Linfield Drive, stated that there have been numerous meetings and many suggestions have been made of what could go along the Golden Mile corridor. She stated that if they were not going to go to those types of stores suggested we would not suggest them. She feels that GC doesn't make sense for this area.

The Planning Commission did not reach a consensus had concerns with the GC district and any adverse effect on the Draft Golden Mile Plan. They postponed the vote taking any sort of "straw vote" until after the Workshop on the Golden Mile Small Area Plan to be held on July 2nd Plan.

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**F. PC12-186ANX-Annexation, Keller Property**

Mr. Adkins entered the entire staff report into the record. Public comment was received.

Lesli Summerstay, 8995 Kam Street, submitted and read into record from the Citizens for Responsible Growth along Yellow Springs Road. They are opposed to the annexation.

Ray Barnes, FCPS, stated that they submitted written testimony which identifies the estimation 160-250 elementary school students, 83-85 middle school students, 110-125 high school students would be generated. He stated that we need to plan where schools sites are going to be located.

Paul Flagle, 8629 Indian Springs Road, stated that if this property is annexed into the City then there will be no more Yellow Springs as known today. He feels that it will change the character of the neighborhood but it will destroy it.

Jim Kelly has concerns of increased traffic and the area has bad traffic issues already. He read a letter into the record from another citizen, Lori Catoeka, and concurs with her written testimony.

Mary Kelly has concerns of traffic and citizen safety. She also has concerns on what will happen to the historic houses on the property.

Jennifer Thomas of Mt. Laurel Estates stated that if there is a way to not have all of the property annexed into the City that would be a favorable response. She feels there should be an annexation agreement so they know exactly what will be going on.

Janice Wiles of Friends of Frederick County read a letter into the record with various concerns from citizens on the Keller annexation.

Carrie Hessly stated that this is a wonderful rural community and has that “out in the country” feel. She stated that to put a development there will forever alter one of the most beautiful parts of Frederick. She also added that there is a huge concern for traffic.

David Alman of Fountain Drive stated that he has concerns of being surrounded by the City. He concurred with Mr. Flagle’s comments and feels that this annexation doesn’t make any sense.

**MOTION:** Commissioner Bokee moved to continue PC12-186ANX to the July 9, 2012.

**SECOND:** Commissioner Stup.

**VOTE:** 5-0.

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There was no further business.

**Meeting adjourned at 11:30 P.M**

Respectfully Submitted,

Carreanne Eyler  
Administrative Assistant

APPROVED 7-11-2012