

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

<b>PC MEMBERS</b>	<b>PC MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>
Meta Nash Josh Bokee Alderman Russell Rick Stup	Bill Ryan Lib Fetting	Joe Adkins-Deputy Director for Planning Gabrielle Dunn-Division Manager for Current Planning Matt Davis, Division Manager for Comprehensive Planning Devon Hahn-City Traffic Engineer Scott Waxter-Asst. Assistant City Attorney Jeff Love, City Planner Lea Ortiz-Office Manager

**I. ANNOUNCEMENTS:**

Ms. Meta Nash announced that the rezonings will be heard at the end of this agenda and that on Wednesday, July 11, 2012 the Crum and Keller Annexations will be heard. She mentioned that public comment was taken on the two annexations at their respective initial meetings and that for the continuation of the cases on Wednesday, July 11, 2012, no further public comment would be taken and that the Planning Commission would need to make a recommendation to the Mayor and Board of Aldermen. She noted that public comment could be given at the subsequent Mayor and Board meetings.

The Commissioners continued the June 11 and June 18 minutes to the July 11, 2012 public hearing.

**APPROVAL OF MINUTES:**

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

**MOTION:** Commissioner Stup.  
**SECOND:** Commissioner Bokee.  
**VOTE:** 4-0.

**II. 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”.*

**III. 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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**IV. OLD BUSINESS:**

**A. PC12-217MXU, Master Plan-Market Square at Frederick**

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

**MOTION:** Commissioner Stup moved for approval of PC12-217MXU with the amended conditions to read, 1) revise the standard detail for Unit Type F to provide a minimum 20' rear setback, and a minimum 14' front setback, 2) provide a note on the Unit Type F standard detail states "If Unit Type F is to be used, at the time of final site plan, the Planning Commission shall approve the architectural design of the front yard details to include, but not be limited to, porches, stoops, and/or terraces as well as the final design of the lot widths for Unit Type F., 3) add a note to the Unit Type F detail that establishes the potential widths as 20', 22', or 24' wide unit, and 4) provide a note which states, Land Bays 6 & 12 are limited to the use of the single family unit types or Unit Type F.

**SECOND:** Commissioner Bokee.

**VOTE:** 4-0.

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**VI. NEW BUSINESS:**

**B. PC12-218PSU, Preliminary Subdivision Plat-Market Square at Frederick**

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

**MOTION:** Commissioner Bokee forwarded a positive recommendation for the vacation and abandonment of the portion of the Shearwater Lane right-of-way as depicted on the final subdivision plat recorded in Plat Book 90, Page 43 as recommended by staff.

**SECOND:** Commissioner Stup.

**VOTE:** 4-0.

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**MOTION:** Commissioner Bokee moved for approval of PC12-218PSU with the two conditions to be met in less than 60 days and the one condition to be met in greater than 60 days and less than one year as recommended by staff in the staff report.

**SECOND:** Commissioner Stup.

**VOTE:** 4-0.

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**C. PC12-221FSI, Final Site Plan-Market Square at Frederick**

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

**MOTION:** Commissioner Stup moved for approval of the architectural elevations based on compliance with the Class A building and urban design standards established in §604 as verified through the narrative and architectural elevations provided.

**SECOND:** Commissioner Bokee.

**VOTE:** 4-0.

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**MOTION:** Commissioner Stup moved for approval of a modification to the bicycle space requirements of Table 607-1 to eliminate the requirement for Unit Type E due to the ability of tenants/owners to utilize personal garages for bicycle storage.

**SECOND:** Commissioner Bokee.

**VOTE:** 4-0.

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**MOTION:** Commissioner Stup moved for approval of a modification to §605(c)(2) to reduce the “Property Landscaping Requirement” by 58 trees due to the Applicant’s efforts to comply with the design goals of the MU district and with the acknowledgement that 1.92 acres of forestation is provided onsite.

**SECOND:** Commissioner Bokee.

**VOTE:** 4-0.

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**MOTION:** Commissioner Stup moved for approval of final site plan PC12-221FSI with the three conditions to be met in less than 60 days and the three conditions to be met in 60 days and within one year that was amended in the staff report.

**SECOND:** Commissioner Bokee.

**VOTE:** 4-0.

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**D. PC12-220PFCP, Preliminary Forest Conservation Plan-Market Square at Frederick**

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

**MOTION:** Mr. Bokee moved for approval of preliminary forest conservation plan PC12-220PFCP with the one condition to be met in less than 60 days and the one condition to be met in great than 60 days and less than 1 year, that were recommended by staff in the staff report.

**SECOND:** Commissioner Stup.

**VOTE:** 4-0.

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**E. PC12-215FSI, Final Site Plan-618 W. Patrick Street**

Ms. Dunn entered the entire staff report into the record for Pam Reppert. There was no public comment on this item.

**MOTION:** Commissioner Stup moved for approval of the requested modification to §607(f)(2) requiring the parking lot to be set back 30’ from residential zones in order to reduce the setback to 11.4’ along the eastern and western property lines and 14’ along the southern property line, based on the dimensions of the lots and the screening provided as a compensating feature.

**SECOND:** Commissioner Bokee.

**VOTE:** 4-0.

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**MOTION:** Commissioner Stup moved for approval of the requested modification to §605(g) requiring 10% parking interior landscaping areas to be reduced to 7.6%.  
**SECOND:** Commissioner Bokee.  
**VOTE:** 4-0.

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**MOTION:** Commissioner Stup moved for approval of the requested modification to §605(d), Table 605-3 for the Level II buffer for parking lots within the RO district based on the proposed planting and the 11.4' separation between the parking area and the property lines.  
**SECOND:** Commissioner Bokee.  
**VOTE:** 4-0.

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**MOTION:** Commissioner Stup moved for approval of the final site plan for 618 W Patrick Street, case PC12-215FSI, with the six conditions to be met less than 60 days, and the one condition to be met in more than 60 days and less than one year per the staff report, amending condition 1 under the less than 60 day conditions to read: Revise the plan to depict at the West Patrick Street curb cut, a sign indicating residential use only. A proposed landscaping area to include raised bed landscaping separating the existing residential parking area from the proposed non-residential parking lot must be provided with one lane of passage through to the business parking lot and a no left hand turn sign at Patrick Street so cars exit out on Norva Avenue, and a "do not enter, for residential use only" sign placed at the West Patrick Street driveway.  
**SECOND:** Commissioner Bokee.  
**VOTE:** 4-0.

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**F. PC12-112FSI, Final Site Plan-Frederick Community College Science-Technology Hall, Building C, Renovation/Addition**

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

**MOTION:** Commissioner Russell moved to approve the architectural elevations based on compliance with the Class C building and urban design standards established in §604 as verified through the narrative and architectural elevations provided and recommended by staff in the staff report by amending the condition to be met in greater than 60 days and within one year for number 3 by adding language in last sentence to read "Add a note stating that the signal upgrades, which include a master controller, interconnect, and d-panel connector at the sign entrances to FCC at Opossumtown Pike, must be completed prior to issuance of a certificate of occupancy for the project."  
**SECOND:** Commissioner Bokee.  
**VOTE:** 4-0.

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**MOTION:** Commissioner Russell moved to approve of final site plan PC12-112FSI with the two conditions to be met in less than 60 days as amended by staff and read into the record and the four amended conditions to be met in greater than 60 days and less than one year based on the staff recommendations in the staff report.  
**SECOND:** Commissioner Bokee.

**VOTE:** 3-1. Commissioner Stup voted against.

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**G. Comprehensive Rezoning**

**Item 13 – 7518A North Market Street**

Mr. Davis entered the staff report into the record.

Mr. Gibson, property owner is in support of changing the zoning on the property. Public comment was received.

Mr. Jeff Holtzinger commented that due to the size of this property GC would be the most appropriate zoning in that area.

The consensus from three (3) the Planning Commission would be to rezone this property to GC. Commissioner Stup opposed.

**Item 14 – 356 Park Avenue**

Mr. Davis entered the staff report into the record.

Ms. Katie House, 356 Park Avenue, felt that the DBO zoning works in most areas, but not on her property. She mentioned there were three or four offices in the area. She felt a small area plan should be done for this area.

The consensus from the Planning Commission would be to rezone this property to R12.

**Item 15 – 512 Elm Street**

Mr. Davis read the staff report into the record. No public comment was given.

The consensus from the Planning Commission would be to rezone this property to R12.

**Item 16 – 358 Park Avenue -514-522 Elm Street**

Mr. Davis read the staff report into the record. No public comment was given.

The consensus from the Planning Commission would be to rezone these properties to R12; and to include all of the south side of Park Avenue to Trail Avenue, and the east side of Trail Avenue from 520 to West Seventh Street. .

**Item 17 – 1000-1010 West 7<sup>th</sup> Street**

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

Mr. Kevin Jackson, HOA representative stated that this property should be rezoned to RO. He mentioned there are other properties are zoned RO.

Mr. Ed Hinde, 601 Magnolia Avenue, represented residences and opposing the rezoning.

Ms. Bradley, 24 West South Street, concurs with the previous comment on opposing this application.

Mr. Michael Pfarr, 1108 W. 7<sup>th</sup> Street, opposes this rezoning.

Ms. Tracey Daniel, 514 Magnolia, opposes this application.

Mr. Freeman, 515 Elm Street, concurred with the residents.

Mr. David Weber, 900 West 7<sup>th</sup> Street, opposes the rezoning.

The consensus from the Planning Commission would be to leave the property as R6.

**Item 18 – 1705-1701 Rosemont Avenue**

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

Mr. Jeff Holtzinger, represented the applicant felt the MU zoning is appropriate for this property.

The consensus from the Planning Commission was split to rezone the property as R6. No consensus reached.

**Item 19 – 1606 North Market Street**

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

Mr. David Masser, 1608 N Market Street, is in favor of the rezoning.

The consensus from the Planning Commission would be to rezone this property R16, and the rear of 1608 as requested by Mr. Masser. Staff was directed to include the Apartment Complexes adjoining and south of the request for consideration.

**Item 20 – 1705 North Market Street**

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

Mr. Andrew DiPisquale, Lawyer, is in support of the rezoning

Ms. Bradley, 24 West South Street, is asking to keep the NC zoning.

The consensus from the Planning Commission was not to rezone to M-1, but would consider rezoning to MO leave it on the map as NC.

**Item 21 – 104 W. 9<sup>th</sup> Street**

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

Ms. Bradac, 104 W. 9<sup>th</sup> Street, in support of the rezoning.

The consensus from the Planning Commission was to consider rezoning to RO.

| **Item 22 – 317 South Jefferson Street**

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

Noel Manalo, Miles & Stockbridge, is in support of the rezoning.

The consensus from the Planning Commission was to rezone to NC.

**Item 23 – 320 South Jefferson Street**

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

Noel Manalo, Miles & Stockbridge, is in support of the rezoning.

The consensus from the Planning Commission was to keep the PB zoning.

**Item 24 – 214 Broadway**

Mr. Davis read the staff report into the record. There was no public comment.

The consensus from the Planning Commission was not to support the change in the zoning.

**Item 25 – 13 East 2<sup>nd</sup> Street**

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

Maryann Ferguson, representing Larry and Denise Harper, is in support of the rezoning to DB.

The consensus from the Planning Commission was not to support the change.

**Item 26 – 18 East Second Street**

Mr. Davis read the staff report into the record. There was no public comment.

The consensus from the Planning Commission was not to support the change.

**Item 27 – 115 East Church Street**

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

Mr. Schmershal is in support of the rezoning.

Chrystal Chamberlain is in support of the rezoning.

The consensus from the Planning Commission was to remove IST zoning, and that DBO may be suitable for this property.

**Item 28 – 117 East Church Street**

Mr. Davis read the staff report into the record. No public comment was given.

The consensus from the Planning Commission was to remove IST zoning, and that DBO may be suitable for this property.

**Item 29 – 184 East South Street**

Mr. Davis read the staff report into the record. Public comment was given.

Bruce Dean, Linowes & Blocher, is in support of the MU zoning.

Mr. Michael Pfarr, Attorney, is opposed to the rezoning of this property.

The consensus from the Planning Commission was to rezone to MU1, to include the townhouses fronting South Street to Winchester Street as requested by the applicant..

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There was no further business.

**Meeting adjourned at 11:00 P.M**

Respectfully Submitted,

Lea M. Ortiz  
Office Manager

Approved 08-13-2012