

**Planning Commission Hearing Minutes
August 13, 2012**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Josh Bokee Alderman Russell Rick Stup Bill Ryan	Meta Nash Elisabeth Fetting	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 Jeff Love-City Planner Devon Hahn-City Traffic Engineer Rachel Depo-Asst. Assistant City Attorney Carreanne Eyler-Administrative Assistant

I. ANNOUNCEMENTS:

II. APPROVAL OF MINUTES:

Approval of the **July 9, 2012** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner Ryan.

VOTE: 4-0.

Approval of the **July 11, 2012** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner Ryan.

VOTE: 4-0.

Approval of the **July 16, 2012** Planning Commission Workshop Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner Ryan.

VOTE: 4-0.

Approval of the **August 10, 2012** Pre-Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner Ryan.

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.)

A. PC11-799FSU-Final Subdivision Plat, Lots 1 & 2 for Bolivar, LLC

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

V. MISCELLANEOUS:

B. PC08-003FSI-Final Site Plan, Homewood Phase I

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

MOTION: Alderman Russell moved for the approval the one year extension to be met in greater than 60 days, less than one year as previously extended to August 2012 for PC08-003FSI.
SECOND: Commissioner Ryan.
VOTE: 3-0. (Commissioner Stup recused himself.)

C. PC12-427FSCB-Combined Forest Stand Delineation and Preliminary Forest Conservation Plan

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

MOTION: Commissioner Stup moved to approve the application for PC12-427FSCB in accordance with the staff recommendation to include the 3 conditions to be met in less than 60 days and the applicants' testimony.
SECOND: Alderman Russell.
VOTE: 4-0.

D. PC12-047FSU-Final Subdivision Plat-Potomac Asset Management Co.

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

MODIFICATION PER SECTION 605(f)

MOTION: Commissioner Stup moved to grant approval of the modification to Section 605(f) as presented in the staff report.
SECOND: Commissioner Ryan.
VOTE: 4-0.

FINAL SITE PLAN PC12-047FSI

MOTION: Commissioner Stup moved to approve PC12-047FSI in accordance with the staff recommendation to include the items to be met within 60 days and the testimony of the applicant.

SECOND: Commissioner Ryan.

VOTE: 4-0.

E. PC12-426ZTA-Zoning Text Amendment-Impervious Surface Ratio

Ms. Reppert entered the entire staff report into the record. A letter from Mr. Jack Lynch was entered into the record.

MOTION: Commissioner Stup moved for a positive recommendation to the Mayor & Board of Aldermen with a proposed amendment to Section 605 Landscaping Standards in accordance with the staff report as well as Section 405.

SECOND: Commissioner Ryan.

VOTE: 4-0.

F. Comprehensive Rezoning

Item #1 Rosemont /Yellow Springs

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

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.

Commissioner Bokee stated that a letter was received from Mrs. Pryor on behalf of the NAC # 3 board stating their continued concerns.

Larry Aronow stated that if items 2 & 3 were mistakenly zoned and it is being requested to be put back as R8 why is this item being changed to a business lot?

Rand Weinberg represents the owner of the property stated that do to the location and being surrounded on 3 sides by an IST use. As per previous discussion from the commission R8 is not the most compatible use. He added that PB is the lowest intensity zoning for this property.

The Planning Commission consensus agreed with staff that the IST zoning is not appropriate. However, they do find 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.

Jim Schmersahl of FCPS stated that concurred with the recommendation.

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

Item #7 Thomas Johnson 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 to rezone 52-60 Thomas Johnson Drive.

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 Christopher's Crossing.

Item #9 Willow Road

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

The Planning Commission's consensus was to leave the GC Zoning intact.

Item #10 7518A North Market Street

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

The Planning Commission's consensus was to recommend rezoning the property to GC.

Item #11 MD 26/US 15/Monocacy Boulevard

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

The Planning Commission's consensus agreed with the staff recommendation that the entire area should be mixed use and that the individual properties should maintain their current zoning.

Item #12 Baughman's Lane (next to Independent Fire Co.)

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

The Planning Commission's consensus agreed with the staff recommendation to rezone the property to R8.

Item # 13 199 Baughman's Lane

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

Francis Wade resides on Baughman's Lane noted his opposition of the rezoning of the property.

Judith Wade stated that she has concerns for the historical sites that are on the Conley Farm and what consideration has been given. She opposes of the rezoning.

The Planning Commission's consensus agreed with the staff recommendation to rezone the property to R8.

Item # 14 1301 West Patrick Street

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

Dave Severn of Severn, O'Connor & Kresslein noted his reasoning to have this property rezoned to GC to facilitate redevelopment of the site.

The Planning Commission majority recommended to rezone to GC.

Item # 15 300-358 Park Ave., 512-522 Elm Street, 500-506 & 520-642 Trail Ave., 215-217 West 5th Street

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

Lucia Hall of 336 Park Avenue stated that she supports the Planning Commission recommendation.

Marilyn Gabel of 352 Park Avenue noted her support of the rezoning.

Robert Edwards of 622 Trail Avenue would like Trail Avenue to be exempt from the rezoning.

Steve Barney of 506 Trail Ave would like the additional properties added at the July 9, 2012 hearing to be rezoned postponed. He submitted a letter for the record via email.

The Planning Commission's consensus was to rezone most of the DBO properties to R12.

Item # 16 1000-1010 West 7th Street

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

Ed Hind of 601 Magnolia Ave clarified that the previous consensus of the Planning Commission was unanimous in opposing the request.

The Planning Commission Consensus was to maintain the R6 zoning.

Item # 17 1705-1707 Rosemont Avenue

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

Pat Muldowny of 403A Magnolia Avenue noted his support of the rezoning. He feels that zoning it MU would be in the best interest of the property.

The Planning Commission majority recommended rezoning to MU.

Item # 18 1606 North Market Street

Mr. Davis entered the staff report into the record. Commissioner Ryan dismissed himself at 8:15. No public comment was received.

The Planning Commission consensus was to recommend rezoning from R6 to R16 and to include other multifamily properties in the vicinity.

Commissioner Ryan left the hearing at 8:14 p.m.

Item # 19 1705 North Market Street (former Coca-Cola Plant)

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

The Planning Commission consensus was to maintain the NC zoning.

Item # 20 104 West 9th Street

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

The Planning Commission consensus was to rezone the property to RO.

Item # 21 North East Street

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

The Planning Commission consensus was to maintain the existing zoning classifications.

Item # 22 317 South Jefferson Street

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

The Planning Commission consensus is to recommend the rezoning to NC from PB.

Item # 23 320 South Jefferson Street

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

The Planning Commission consensus was to maintain the existing PB zoning.

Item # 24 214 Broadway

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

The Planning Commission consensus was to maintain the existing DR zoning.

Item # 25 13 & 18 East 2nd Street

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

The Planning Commission consensus was to maintain the respective existing DBO and DR zoning.

Item # 26 115 & 117 East Church Street

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

Jim Schmersahl concurred with the Planning Commission recommendation.

The Planning Commission consensus was to remove the IST floating zone and rezone the properties DBO.

Item # 28 184 South East Street (Brick Works Properties)

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

The Planning Commission consensus was to rezone the property for MU1 to MU.

Item # 29 600 South Market Street

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

The Planning Commission consensus was to recommend maintaining the existing M1 zoning.

Item # 30 East Street Corridor

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

The Planning Commission consensus was to maintain the existing zoning classifications.

Item # 31 1605 Bowman Farm Road

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

The Planning Commission consensus was to recommend maintaining the existing GC zoning.

Additional Comments:

Dave Severn stated that Beth Shalom on West 2nd Street would like to remove the IST floating zone from the property.

MOTION: Commissioner Stup moved to approve the zoning map with the changes based on the action of the Planning Commission this evening and send a favorable recommendation to the Mayor & Board of Aldermen.

SECOND: Alderman Russell.

VOTE: 3-0. (Commissioner Ryan not present)

G. Golden Mile Small Area Plan

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

Anne Rollins of Miles & Stockbridge noted some concerns that her client Willow Tree, LLC (Mr. & Mrs. Glick) have and wants to ensure that the plan doesn't have a negative impact to their property.

Dave Severn of Severn, O'Connor & Kresslein representing the Fredertowne Mall stated that they need incentives to redevelop. He added that he understand what is trying to be accomplished but doesn't want any recommendations in the plan to act as disincentives to the new development.

MOTION: Commissioner Stup made a motion for a favorable recommendation to the Mayor & Board of Aldermen with additions to be added 1) add a glossary 2) to expand the appendix to add documents of items referenced in the plan 3) add a statement of purpose to ensure that nothing can be construed in the plan that is a disincentive and to be a positive statement.

SECOND: Aldermen Russell.

VOTE: 3-0. (Commissioner Ryan not present)

There was no further business.

Meeting adjourned at 9:00 P.M

Respectfully Submitted,

Carreanne Eyler
Administrative Assistant

APPROVED 09-10-2012