

Planning Commission Hearing Minutes December 10, 2012

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Rick Stup Kate McConnell Bill Ryan	Josh Bokee	Gabrielle Dunn-Division Manager for Current Planning Pam Reppert-City Planner Jeff Love-City Planner Brandon Mark-City Planner Devon Hahn-City Traffic Engineer Scott Waxter- Assistant City Attorney Carreanne Eyler-Administrative Assistant

I. ANNOUNCEMENTS:

Commissioner Nash announced that on Wednesday, December 12, 2012 at 7:30 p.m. at City Hall, there will be a guest speaker, Ed McMahon, who will discuss sustainable development, land conservation, smart growth, and historic preservation for The City of Frederick and how mixed use development can be best used to realize a goal as one of the Country's leading small cities.

II. APPROVAL OF MINUTES:

Approval of the November 9, 2012 Pre-Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner Ryan.

VOTE: 5-0.

Approval of the November 13, 2012 Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner Ryan.

VOTE: 4-1. (Commissioner McConnell abstained)

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

MOTION: Commissioner Stup.

SECOND: Commissioner McConnell.

VOTE: 5-0.

Approval of the December 7, 2012 Pre-Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner Ryan.

VOTE: 5-0.

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:

Planning Commission 2013/2014 Calendar

MOTION: Commissioner Stup moved to approve the 2013/2014 Calendar as submitted.
SECOND: Commissioner Ryan.
VOTE: 5-0.

A. PC12-714PCM, Planning Commission Modification, Market Square

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 request for PC12-714PCM, Market Square, for the comprehensive sign package in accordance with the staff recommendation and the applicant's testimony this evening.
SECOND: Commissioner Ryan
VOTE: 5-0.

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

Commissioner Stup recused himself from this case.

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

MOTION: Commissioner Ryan moved to approve final site plan PC08-003 for Homewood Phase I for the use of private parkland to meet the minimum parkland requirement of 3.51 acres in accordance with Section 608(b)(4) thereby eliminating the original condition to "Obtain approval from the Mayor and Board of Aldermen for the fee to be paid in lieu of parkland dedication" with the condition that the final site plan shall be corrected to reflect the status of the parkland approval and provide the LMC Section 608(b)(4) language, and the addendum which states the areas of parkland are identified as areas 1, 2, 4, 5, 6 as greens area 3as linear park, area 7 as a square and are 8 as a natural area which all is to be approved by staff .
SECOND: Commissioner McConnell.
VOTE: 4-0.

VI. NEW BUSINESS:

C. PC11-722FSU, Final Subdivision Plat, Shapiro's Addition to Shapiro

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

Bob Connor resides at 221 E. 3rd Street feels that this is destruction of the historic character of the downtown Frederick. He stated he looks at this as erasing the historic property lines and limits ingress and egress to participants that border this property. He has concerns about parking and the value of his property. He is opposed to the request.

Mary Carlisle resides at 215 E. 3rd Street concurred with Mr. Connor.

MOTION: Commissioner Stup moved to approve PC12-722FSU final subdivision plat for the Shapiro Addition to Shapiro in accordance with the staff recommendations and the applicants' testimony to include the four conditions listed in the staff report.
SECOND: Commissioner Ryan.
VOTE: 5-0.

D. PC12-652FSU, Final Subdivision Plat, City of Frederick Addition to McCutcheon Apple Products, Inc.

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

MOTION: Commissioner Stup moved to approve PC12-652FSU, final subdivision plat for McCutcheon Apple Products, in accordance with the staff recommendations and applicants' testimony to include the three conditions listed in the staff report.
SECOND: Commissioner McConnell.
VOTE: 5-0.

E. PC12-637PND, Master Plan, Nicodemus Property

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

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

F. PC12-723ZTA, Text Amendment, Section 605 Landscaping Standards

Ms. Reppert entered the entire staff report into the record.

Public comment was received. Chris Smariga of Harris, Smariga & Associates stated he concurs with staff and if you appropriately put the trees on the lots they are an asset long term.

MOTION: Commissioner Stup moved for a positive recommendation to the Mayor and Board of Aldermen for PC12-723ZTA, text amendment to Section 605, *Landscaping Standards*, with the amendments to the LMC to Section 406, Specific base Zoning Criteria, and Section 605 Landscaping Standards, in accordance with the staff report.
SECOND: Commissioner Ryan.
VOTE: 5-0.

G. PC12-738ZTA, Text Amendment, Section 307 Conditional Rezoning

Mrs. Dunn entered the entire staff report into the record. There was public comment received.

Alderman Krimm stated that she read the state law, Article 66B now the Land Use Article and local zoning is under the purview of the local legislative body. She stated the Comprehensive Rezoning is not listed as excluded from conditions. She added this is the direction of state law for the local legislative body to have this digression and be able to put conditions on Comprehensive Rezoning. She would like to have this as a part of the LMC.

MOTION: Commissioner Stup moved for PC12-738ZTA, Section 307 Conditional Rezoning to be continued until the Planning Commission Workshop on December 17, 2012 and following the workshop we have a special Planning Commission meeting to make a recommendation.

SECOND: Commissioner Ryan.

VOTE: 5-0.

There was no further business.

Meeting adjourned at 8:00 P.M.

Respectfully Submitted,

Carreanne Eyer
Administrative Assistant

APPROVED 2013-01-14