

Planning Commission Hearing Minutes January 14, 2013

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

I. ANNOUNCEMENTS:

II. APPROVAL OF MINUTES:

Approval of the **December 10, 2012** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner McConnell.

VOTE: 5-0.

Approval of the **December 17, 2012** Planning Commission Workshop Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner McConnell.

VOTE: 4-1. (Commissioner McConnell abstained)

Approval of the **December 17, 2012** Special Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner McConnell.

VOTE: 5-0.

Approval of the **January 11, 2013** Pre-Planning Commission Meeting Minutes as amended:

Minutes were tabled until the February 11, 2013 Planning Commission Hearing

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. CONTINUANCES:

A. PC12-711FSU, Final Subdivision Plat, North Market Revitalization

MOTION: Commissioner Stup moved to approve the request for a 30 day continuance to the February 11, 2013 hearing for PC12-711FSU, North Market Revitalization.

SECOND: Commissioner Bokee.

VOTE: 5-0.

VI. NEW BUSINESS:

B. PC12-763ZTA, Zoning Text Amendment, Small Scale Distillery/Brewer/Winery

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

MOTION: Commissioner McConnell moved for a positive recommendation to the Mayor & Board of Aldermen for the amendments to Sections 404, 607, and 1002 as proposed in the draft ordinance attached to the staff report for application PC12-763ZTA with the following change in the definition language that the second sentence states "such establishment shall be an enclosed building and shall comprise less than 10,000 s.f."

SECOND: Commissioner Bokee.

VOTE: 5-0.

C. PC12-432ANX, Annexation, Bartgis/Lasick-Rallas Properties

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

Nick Albaugh resides at 8524 Walter Martz Road asked if there would be any type of a buffer zone between his property and the new homes. If not, he would like one to be established.

John Helms resides at 2107 Infantry Drive submitted information as part of the record. He has concerns regarding the trees and would like to ensure that they will be maintained.

Boris Lyeonov resides at 2109 Infantry Drive stated that he concurs with Mr. Helms.

MOTION: Commissioner McConnell moved for approval of the request finding that the annexation is in conformance with the eight Planning Visions established by the State of Maryland and the 12 visions of the Governor's Task Force on Future Growth and Development for Economic Growth, Resource Protection and Planning Policy as noted on page 4 and 5 of the staff report. This recommendation is made with the following terms to be considered for incorporation into the Annexation Resolution

1. That the development of the proposed Bartgis/Lasick-Rallas Annexation area shall utilize the same water capacity planned for and set forth in Exhibit 4 of the Potomac River Water Supply Agreement between the Board of County Commissioners of Frederick County (BOCC) and the City of Frederick dated March 16, 2006 for the development of the Bartgis (shown as Bartgis and

- Rothenhoeffer Properties in Exhibit 4) property and shall not utilize any additional water capacity beyond that which was planned for by Exhibit 4 of the PRWSA until the PRWSA is amended to provide additional capacity to the annexation area.
2. That the Applicant contributes \$1.65 million towards regional transportation improvements including the US 15/Monocacy Blvd/Christopher's Crossing interchange and Christopher's Crossing corridor and intersection improvements.
 3. That the Applicant improves Christopher's Crossing along the frontage to County standards.
 4. That the right of way for Walter Martz (north of Christopher's Crossing) be dedicated at the time of annexation.
 5. That all access to Christopher's Crossing is denied, leaving all access to come off of Walter Martz Road.
 6. That the Applicant contributes a proportionate share of costs to construct future water storage tank west of the site.
 7. That the Applicant work with the City and Frederick County Public Works Staff on the issue of design standards, ownership, proposed right of way dedications and maintenance of the public roads known as Christopher's Crossing, Walter Martz Road, and Poole Jones Road where such roads abuts the proposed annexation area and that an MOU be approved by the Mayor and Board and BOCC concerning the upgrade, ownership and maintenance of such roads.
 8. That the requirements of Section 721 of the LMC, *Forest Conservation*, are met onsite to the maximum extent possible.
 9. That the requirements of Section 608 of the LMC, *Parks and Open Space*, be met onsite to the maximum extent possible.
 10. That the Applicant dedicate to the City a trail system that is capable of providing connections between the Monocacy Boulevard portion of the Shared Use Path through the proposed annexation area and construct such improvements within the dedicated area as approved by the City Parks and Recreation Commission and the Planning Commission with such dedication and improvements to be phased through the development as determined by the Planning Commission in accordance with the City's Comprehensive Plan.
 11. That the Applicant file the initial development application in the form of a Planned Neighborhood Development (PND) master plan.
 12. That Conceptual Parkland Exhibit and accompanying Conceptual Community Design Guidelines be included as part of the annexation agreement.
 13. That the Conceptual Community Design Guidelines provided on the Conceptual Parkland Exhibit be revised to include reference to the following:
 - a. Integrate unit types throughout the development with a concentration on land bay 3 on the Conceptual Parkland Exhibit.
 - b. That the Applicant will make a best effort to work with staff to design the community in a manner such that single family units or open space is adjacent to the western edge of Clover Hill and also adjacent to Cannon Bluff.
 - c. Design a community which provides more adequate landscape buffers between the existing neighborhoods and homes as well as design to preserve and protect scenic features of the property
 14. The Applicant shall submit a complete Maryland Inventory of Historic Properties (MIHP) form for staff review prior to the hearing before the Mayor and Board of Aldermen and shall comply with Staff recommendations.

As part of this recommendation, the Commission also urges the Mayor and Board to review the Capital Improvement Plan (CIP) with regards to the timing of the construction of Christopher's Crossing across the Sanner Property. Specifically, how the timing of that improvement will relate to the timing of the development of the subject property so as to avoid a concentration of traffic on Poole Jones Road.

SECOND: Commissioner Stup.

VOTE: 5-0.

D. PC12-445ANX, Annexation, Caidlyn Properties

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

Pat Whitmore of Kemp Lane stated that he has concerns about buffering traffic. He would like to see the traffic off of Kemp Lane and redirected to another road.

Brenda Feichtl resides at 5419 Buggy Whip Drive asked for clarification on stubbing in the staff report pertaining to water & sewer.

MOTION: Commissioner Stup moved for the approval of the request finding that the annexation agreement is in conformance with the eight Planning Visions established by the State of Maryland and the 12 visions of the Governor's Task Force on Future Growth and Development for Economic Growth, Resource Protection and Planning Policy as noted on page 4 and 5 of the staff report and that the majority of the land area falls within the PRWSA. This recommendation is made with the following terms to be considered for incorporation into the Annexation Resolution

1. That the land use plan provided by the Applicant be amended to divide land bay B into subsections B1, being the lower portion of land bay B, and B2, being the upper portion of land bay B. With subsection B2 to be developed with only single family, detached homes.
2. That the land use plan be incorporated into the annexation agreement.
3. The development of the proposed Caidlyn Annexation area shall utilize the same water capacity and boundary planned for and set forth in Exhibit 4 of the Potomac River Water Supply Agreement between the Board of County Commissioners of Frederick County (BOCC) and the City of Frederick dated March 16, 2006 for the development of the "Oden (Kemp Lane) Property" and shall not utilize any additional water capacity or shall not extend beyond the boundary which was planned for by Exhibit 4 of the PRWSA until the PRWSA is amended to provide additional capacity to the annexation area and to reflect the boundary of the annexation.
4. The developer contributes \$3 million towards Christopher's Crossing improvements.
5. The project will be designed to create "stub" streets to adjacent properties to facilitate inter-parcel connectivity
6. That the requirements of Section 721 of the LMC, Forest Conservation, are met onsite to the maximum extent possible.
7. That the requirements of Section 608 of the LMC, Parks and Open Space, be met onsite to the maximum extent possible.

8. The Applicant constructs and dedicate to the City a 10' trail system incorporating the Monocacy Boulevard portion of the Shared Use Path along the frontage of the annexation area.
9. That the Applicant shall pay the cost of any upgrades to the sewer line through the Barrick Property should there be a need to increase capacity to adequately serve both the subject property and the Barrick Property.
10. That the land use plan be amended to contain the Applicant's trail system entirely within the annexation area.

As part of this recommendation, the Commission also urges the Mayor and Board to consider the timing of the ultimate construction of Christopher's Crossing and the decision as to whether the road will be constructed through Fort Detrick or aligned in a manner in which it runs through the subject property.

SECOND: Commissioner McConnell.
VOTE: 5-0.

There was no further business.

Meeting adjourned at 10:50 p.m.

Respectfully Submitted,

Carreanne Eyer
Administrative Assistant

APPROVED 02-11-2013