

Planning Commission Hearing Minutes February 11, 2013

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

I. ANNOUNCEMENTS:

Mrs. Dunn announced that the Planning Commission Workshop will be held on Tuesday, February 19, 2013 due to Monday being the Presidents' Day holiday.

II. APPROVAL OF MINUTES:

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

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

Approval of the January 14, 2013 Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner McConnell.

VOTE: 5-0.

Approval of the January 21, 2013 Planning Commission Workshop Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner McConnell.

VOTE: 4-1. (Commissioner McConnell abstained)

Approval of the February 8, 2013 Pre-Planning Commission Meeting Minutes as amended:

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

III. 2013 Election of Officers:

Commissioner Stup nominated Commissioner Nash as Chairman. Commissioner McConnell seconded the motion with a 5-0 vote.

Commissioner Stup nominated Commissioner Bokee as Vice Chairman. Commissioner McConnell seconded the motion with a 5-0 vote.

Commissioner Stup nominated Alderman Russell as Secretary. Commissioner McConnell seconded the motion with a 5-0 vote.

IV. 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”.

V. 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. PC12-783FSU, Final Subdivision Plat, United Plaza, LLC

MOTION: Commissioner Stup moved to approve PC12-783FSU United Plaza.
SECOND: Commissioner Ryan.
VOTE: 5-0.

VI. NEW BUSINESS:

B. Comprehensive Rezoning

Mr. Davis entered the entire staff report into the record. There was public comment on this item.

1301 West Patrick Street

Dave Severn of Severn, O’Connor & Kresslein stated that they supported the new text amendment that was initiated by Alderman Krimm with some reservations because of what kind of conditions would be imposed. The major concern for General Commercial (GC) zoning for the [Frederick Towne] mall was that there were elements of the Mixed Use (MU) zoning that it would be preferred to retain in terms of design criteria. He stated that one way to handle the conditioning of a GC property is if the conditions imposed would require complying with the mandatory standards for a shopping center [as listed in Section 863 of the LMC] but also complying with the optional standards for a shopping center in a GC district.

Belinda Morton of 1037 Lindfield Drive stated that making this property completely GC is out of line with the vision of most people she has spoken to. What is decided is very important to the City. With Mixed Use the vision will have a variety of use as well as the Green Initiative. She feels the text amendment is a step in the right direction.

Paul Gordon of 202 Meadowdale Lane stated there are a complete traffic mess and a complete planning mess because the City and the Planning Commission didn’t follow through with the things that are necessary. He stated that when you look at this, look at the things that were absolutely necessary that the City has ignored to create what is an absolute planning mess now.

Sharon Glazer of Taskers Chance stated that she has a concern that businesses are closing and more will probably shut down if a Walmart comes in. She is concerned that a lot of people will be without jobs.

199 Baughman's Lane

Jonathan Sander of 210 Baughman's Lane stated that the property is surrounded mostly by single family homes. He strongly feels that anyone living around the property, if given the choice to choose between R4 and R8, would choose R4.

Kay Morrow of 212 Baughman's Lane stated that she would like to see the property remain R4. She has concerns for the pedestrian traffic on Baughman's Lane and feels that if zoned R8 there will be a lot more serious problems.

Commissioner Bokee stated that a letter was received from Dale & Judy Wade and wanted to make it a part of the record.

Robert Morrow of 212 Baughman's Lane concurred with his wife Kay and the Wades. Traffic is a big concern and the zoning should remain R4.

Belinda Morton of 1037 Lindfield Drive stated that that she was told the reason for the R8 was due to transportation funds. She concurs with everyone else and single family should be considered for this property. She added that another thing to consider is the school population. She added that she has a big concern in regards to traffic and this is a historical property that she doesn't want someone to go in and bulldoze the land which will take away the historical value.

Paul Gordon of 202 Meadowdale Lane stated that if the commercial area goes on the site then you have changed the whole character of the site and the whole need for ingress and egress.

Elizabeth Conley Claggett, owner of the property, stated that she would like the property to be zoned R8 to match the Tasker's Chance property.

Baughman's Lane

Kevin Cawley, owner, submitted a letter for the record and stated that the R4 is not a suitable layout for the property. He stated that they are requesting R8 which is the lowest medium density classification.

Paul Gordon of 202 Meadowdale Lane stated that he hopes that the Planning Commission considers the location of the fire company along the curve in the road and feels that it is an added hazard that should be considered when reviewing the plan.

Belinda Morton of 1037 Lindfield Drive stated that she has concerns in regards to parking along Baughman's Lane. She added that she has concerns with the fire company being next door and not having their services interrupted due to traffic that the 11 homes will provide.

Lindsay Sylvester of 1629 Shookstown Road stated that she has concerns with traffic coming into the property and if a treeline is not provided, that the headlights will really shine into her property.

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

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

Ms. Reppert entered the entire staff report into the record. There no was public comment received.

MOTION: Commissioner Stup moved to approve PC12-711FSU, North Market Revitalization, in accordance with the staff report and the testimony and the 1 condition to be met in less than 60 days and the 4 conditions to be met in greater than 60 days and less than 1 year as read into the record by staff.

SECOND: Commissioner McConnell.

VOTE: 5-0.

D. PC12-712FSU, Final Subdivision Plat, North Market Revitalization

Ms. Reppert entered the entire staff report into the record. There was no public comment received.

MOTION: Commissioner McConnell stated that based on the findings that the proposed subdivision is consistent with the surrounding community in regards to the lot characteristics established in Section 515 of the LMC she moved for the unconditional approval of PC12-712FSU subject to the 1 condition that should be met in less than 60 days that was read into the record by staff and the 2 conditions to be met in greater than 60 days and less than 1 year as read into the record by staff.

SECOND: Commissioner Ryan.

VOTE: 5-0.

E. PC12-567FSI, Final Site Plan, North Market Revitalization

Ms. Reppert entered the entire staff report into the record. There was no public comment received.

MOTION: Commissioner Stup moved to approve North Market Revitalization PC12-567FSI Final Site Plan and requirements with the following conditions to be met.

In less than 60 days:

1. Remove Case number 06-619FSI.
2. Show second mailbox cluster to be located on Lot 53.
3. Obtain approval of Grinage Alley name from the City and County and change on plans the correct alley name from Brunner to an approved name.
4. Provide recorded references for parking easement across Lots 62A, 62B, and 63.
5. Provide case number for Lot 11R plat recordation.
6. Update case number for Lots 18R and 20R.
7. Update case number for Lot 23R and outlot.
8. Correct Revision to Lots 22-27 note to 6 parking spaces (labeled A-F).
9. Add to Revision to Lots 23-27 for garages the HPC case number and approval date.
10. Add HPC case number and approval date for cluster mailboxes.
11. Correct Table 607-1
12. Revise plan to indicate that 2 spaces on the outlot will be dedicated to Lot 12 and 1 space for Lot 21.

13. Add a note to the plan: Outlot construction must be completed and issued Certificate of Completion prior to removing off-site parking on “sending” lots and issuing Certificate of Occupancy for the “sending” lots.
14. Show on the plan that the outlot (former Lot 22) has a minimum of 2 bike racks to be installed.

In greater than 60 days and less than one year:

1. Execute and record abandonment for the shared parking easement agreement and provide a note on plan with the recorded references.
2. Depict a second parking space on Lot 39 and obtain HPC approval.
3. Provide Agent Authorization Form from the Housing Authority for Nexus to act on their behalf for this Plan.

SECOND: Commissioner Ryan.

VOTE: 5-0.

Planning Commission Action Per Section 607 (d) (2):

MOTION: Commissioner Stup moved for the approval of a modification for Section 607 (d)(2) for off-site parking for Lots 12,21,33,64 and 53 based on the parking being no more than 1,320 feet from lots and being under the same ownership.

SECOND: Commissioner Ryan.

VOTE: 5-0.

F. PC12-780FSI, Final Site Plan, Shiraz Plaza

Mr. Love entered the entire staff report into the record. There was no public comment received.

Planning Commission Action Per Section 607 (h):

MOTION: Commissioner Stup moved for the approval of a modification to 607(h) to allow a small loading space in lieu of a large loading space as required under Table 607-4 based on the size of the center and the expected deliveries to the site.

SECOND: Commissioner Ryan.

VOTE: 5-0.

Planning Commission Action Per 607 (g) (1) (B):

MOTION: Commissioner Stup moved for the approval of a modification to the required 25' parking lot setback from the right-of-way for shopping centers under 607 (g)(1)(B) based on the existing extents of the parking area, the similar setback distances of the parking lots on adjacent parcels, and the effects on the established landscaping.

SECOND: Commissioner Ryan.

VOTE: 5-0.

Planning Commission Action Per Section 605 (f) (2):

MOTION: Commissioner Stup moved for the approval of a modification to the street tree planting requirement in accordance with 605 (f) (2) due to the existing 15” maple tree onsite as a street tree.
SECOND: Commissioner Ryan.
VOTE: 5-0.

Planning Commission Action for Architectural Elevations:

MOTION: Commissioner McConnell moved for the approval of architectural elevations in accordance with §863 and in accordance with the following conditions:

1. Remove the notation to the painted CMU block on the north elevation.
2. Clarify the notation for the prefinished half-scored masonry block on the rear elevation.
3. Add brick to the end unit on the south elevation.
4. Provide vertical element or pilaster indicated by color change or material every two openings on the front/south elevation or every line for an individual unit on the rear elevation.

SECOND: Commissioner Ryan.
VOTE: 5-0.

Planning Commission Action PC12-780FSI:

MOTION: Commissioner Stup moved to approve PC12-780FSI with the following conditions:

To be met within 60 days:

1. Remove references to “handicap” and replace with “ADA” or “accessible”.
2. Provide evergreen screening on the northern and southern sides of the dumpster enclosure.
3. Revise note 23 to state the APFO exemptions are based on Sec. 4-9(a)(1), 4-10(a)(1), 4-11(a)(1), and 4-12(a)(1)(D) for the CAPF-SCH.
4. Revise the building elevations to eliminate the southernmost parapet light.
5. Revise the Property Landscaping Requirement note to provide a number of all existing and proposed trees with the exception of the two interior parking lot landscaping trees.
6. Provide a Landscape Architect’s seal on the landscaping plan sheet.
7. Update note 7 to correct the reference bicycle rack materials.
8. Revise the lighting to provide downward building mounted fixtures as acceptable to staff.
9. Show and label an additional stop bar to be painted in the travel way in the vicinity of the planting island near the monument sign.

SECOND: Commissioner Ryan.
VOTE: 5-0.

G. PC12-781FSCB, Combined Forest Stand Delineation/Preliminary Forest Conservation Plan, Shiraz Plaza

Mr. Love entered the entire staff report into the record. There was no public comment received.

MOTION: Commissioner Stup moved to approve PC12-781FSCB, Shiraz Plaza, and the fee-in-lieu of afforestation in the amount of \$2,250.00 in accordance with the staff report and testimony and the 1 condition to be met within 1 year as read into the record by staff.

SECOND: Commissioner Ryan.

VOTE: 5-0.

H. PC12-713PND, Master Plan, Waverley View

Ms. Reppert entered the entire staff report into the record. There was public comment received.

Jen Peppe Hahn of RAB (Restoration Advisory Board) submitted a letter for the record and summarized the letter for the Planning Commission. She has big concerns of contamination and safety of citizens.

Rolan Clark of RAB stated he would like to see some testing done on private land adjacent to Fort Detrick to further define what is to be the contamination source. He believes CERCLA (Comprehensive Environmental Response Compensation and Liability Act) Section 104 contains language about necessary drilling to test wells for the purpose of collecting data.

George Rudy of 133 W. 3rd Street stated there is very high source contamination in that area and unfortunately, the Waverley site is right next to it. He added that it doesn't mean stop the Waverley project, but that there should be a provision with the Planning Commission's interaction and the Waverley group that they allow proper ARCADIA work on the site. He asked the Commission to really consider the issue at hand and whatever provisions and tools the Planning Commission has, this site must be properly analyzed and it cannot be built on in the condition "as is."

Susan Funk with the Kristen Renee Foundation stated that concurred with everyone that spoke. She feels it needs to stop until further explored. There is so much history behind this to construct these homes would be a total immoral injustice. She feels that the well testing and monitoring should be done.

Gary Pauly submitted a letter into the record. He said to bring Christopher Crossings through a section of Area B is hard for him to imagine. Over the years there has been an extensive capping effort where they have sprinkled land fill through that entire area. Those caps should not be disturbed.

Joan Jenkins feels that the LMC is based on presumption of healthy land and the perspective of having a loophole that protects Frederick City to have those areas tested because there are people in those areas have gone through many problems with different kinds of cancers. She would like the Planning Commission to take this seriously and asked what is the next step to get this area tested because that is what you are giving an approval for is on healthy land and if not then it isn't to be.

Belinda Morton of 1037 Lindfield Drive stated that one of the concerns her NAC has is the contamination and we have voiced that concern. She noted that there are two schools adjacent to this property and questioned if this land is disturbed through the process of development and building will these contaminants then be released into the air. She noted that Mr. Rudy answered that question, that yes, they would be and that should concern the City.

Linda Smith stated that she feels the responsibility to voice her concerns. She asked that information be provided to the families who will live there.

The Planning Commission called a brief recess. The meeting resumed at 10:50 p.m.

Commissioner Bokee announced that they will vote to continue the cases for Nicodemus since it too late to start a new case.

- I. PC12-637PND, Master Plan, Nicodemus Property**
- J. PC12-787PSU, Preliminary Subdivision Plan, Nicodemus Property**
- K. PC12-788FSI, Final Site Plan, Nicodemus Property**
- L. PC12-789PFC, Preliminary Forest Conservation Plan, Nicodemus Property**

MOTION: Commissioner Stup made a motion to continue the cases to a special meeting to be held February 27, 2013 at 6p.m at the Annex Building.

SECOND: Commissioner Ryan.

VOTE: 5-0.

PC12-713PND, Master Plan, Waverley View

MOTION: Commissioner Stup moved for unconditional approval of the revisions of the master plan PC12-713PND in accordance with the staff report and testimony this evening.

SECOND: Commissioner Ryan.

VOTE: 5-0.

There was no further business.

Meeting adjourned at 11:05 p.m.

Respectfully Submitted,

Carreanne Eyler
Administrative Assistant