

Planning Commission Hearing Minutes March 11, 2013

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Josh Bokee Rick Stup Kate McConnell Bill Ryan	Alderman Russell	Gabrielle Dunn-Division Manager for Current Planning Joe Adkins-Deputy Director for Planning Matt Davis-Division Manager of Comprehensive Rezoning Pam Reppert-City Planner Zack Kershner- City Engineer Devon Hahn-City Traffic Engineer Scott Waxter- Assistant City Attorney Carreanne Eylet-Administrative Assistant

I. ANNOUNCEMENTS:

II. APPROVAL OF MINUTES:

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

MOTION: Commissioner Stup.
SECOND: Commissioner McConnell.
VOTE: 4-0. (Commissioner Ryan had not arrived yet)

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

MOTION: Commissioner Stup.
SECOND: Commissioner McConnell.
VOTE: 4-0. (Commissioner Ryan had not arrived yet)

Approval of the **February 11, 2013** Planning Commission Hearing Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Commissioner Bokee.
VOTE: 3-0. (Commissioner Nash abstained) (Commissioner Ryan had not arrived yet)

Approval of the **February 19, 2013** Planning Commission Workshop Meeting Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Commissioner Bokee.
VOTE: 3-0. (Commissioner McConnell abstained) (Commissioner Ryan had not arrived yet)

Approval of the **February 27, 2013** Special-Planning Commission Hearing Minutes as amended:

MOTION: Commissioner Stup.
SECOND: Commissioner McConnell.
VOTE: 4-. (Commissioner Bokee abstained)

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:

A. PC12-716MU, Master Plan, West Park Village

MOTION: Commissioner Stup moved to approved the request for a 30 day continuance to the April 8, 2013 Planning Commission Hearing.
SECOND: Commissioner McConnell.
VOTE: 5-0

E. PC12-785PSU, Preliminary Subdivision Plat, Market Square at Frederick

F. PC12-786FSI, Final Site Plan, Market Square at Frederick

MOTION: Commissioner Stup moved to approved the request for a 30 day continuance to the April 8, 2013 Planning Commission Hearing.
SECOND: Commissioner McConnell.
VOTE: 5-0

B. Capital Improvement Plan

Mr. Kershner briefly went through the report for the record. There was no public comment on this item.

MOTION: Commissioner Stup moved for a positive recommendation to the Mayor & Board of Aldermen the Draft 2014-2019 Capital Improvements Program.
SECOND: Commissioner Ryan.
VOTE: 5-0

VI. OLD BUSINESS:

C. Comprehensive Rezoning

1301 West Patrick Street

Dave Severn, Severn, O'Connor & Kresslein, stated that they supported the new text amendment [regarding conditional comprehensive rezoning] 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 would be preferred 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 not only 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. He indicated a willingness of the property owner to satisfy several of those requirements as well as several elements of the GMSAP.

Sharon Glaser, 120 Crossbill Way, stated that she has a concern that businesses are closing and more will probably shut down if a Walmart or a big box store comes in. She is concerned that a lot of people will be without jobs.

Shauna Tunder, 1032 Lindfield Drive, stated that she opposes the request to change the zoning of the project. She does not want to see big box stores permitted or built.

Ed Hinde, People Buildings Frederick's Future, stated that the Mayor and Board of Aldermen should remain fixed on the vision for this site and keep it zoned as is.

199 Baughman's Lane

Elizabeth Connelly Claggett, owner of the property, stated that she would like the request for R8 zoning to be recommended to the Mayor and Board of Aldermen.

Sharon Glaser, 120 Crossbill Way, has concerns of traffic and safety. She said that Bel Air Lane was not built for all the traffic.

Shauna Tunder, 1032 Lindfield Drive, stated that she has major concerns for safety for the children in the neighborhood and Bel Air Lane is a serious issue.

Baughman's Lane

Kevin Cawley, owner of the property, stated that while R4 zoning the property can be subdivided it does not allow for the best possible layout of the property. He stated that they are requesting R8 to give him more flexibility.

MOTION: With regards to the properties that are part of the Golden Mile Small Area Plan, Commissioner Bokee made a motion to recommend to the Mayor and Board that other than the two properties that have been discussed this evening all of the zoning remain the same and that with regard to the three properties: 1) that the mixed use zoning remain on 1301 West Patrick Street and the zoning map revised to reflect that. 2). That the zoning for 199 Baughman's Lane be medium density R8 zoning with two conditions One, that it is developed as Planned Neighborhood Development (PND) and two, that an inventory of significant structures on the property be conducted and 3) that the Cawley property on Baughman's Lane be zoned R8 as reflected in the Commission discussion this evening with a reference to the submittal of the conceptual lot layout (Sheet 3 of the handout).

With regards to 199 Baughman's Lane, Commissioner McConnell added that the applicant shall retain and protect significant structures and elements which are part of the setting and the design of the development and that significant structures and elements shall be identified through completion of the Maryland Inventory of Historic Places form. The form shall be completed according to the standards and guidelines for architectural and historical investigations in Maryland and shall be submitted with the master plan.

DISCUSSION: Commissioner Stup stated for the record that he does not support leaving the mall as MU but will support the overall plan to move forward.

SECOND: Commissioner Ryan.
VOTE: 5-0

D. PC12-834FSI, Final Site Plan, North Montevue Campus

Ms. Reppert read the entire staff report into the record. There was public comment on this item.

Jenn Peppe Hahn of the RAB (Restoration Advisory Board) stated that she wants to be sure that if moving county employees into the building, that there is a vapor intrusion test done. She has concerns for health and safety. She is requesting that the vote be postponed until there is enough information to confirm or deny the safety of this building.

Rolan Clark, also of the RAB, stated he concurs with Ms. Hahn. He is requesting the vote be postponed until EPA gets through their testing.

Dr. Sonia Sperlick, Chair of the Board of Trustees at Citizens, stated that they are opposed to the subdivision of this property.

George Rudy of 133 W. 3rd Street stated that the Planning Commission has the authority to put provisions on an application. The environmental assessment needs to be done and qualified. He feels this is a big problem.

Kimberly Melon of Cascade stated that she concurs that this property needs to be tested for environmental causes before it is subdivided. She also has concerns of traffic.

Charles Trunk stated that they have already demolished two-thirds of the building and that that Section 902(d) of the LMC does apply and it is the job of the Planning Commission to ensure that the uses are consistent with the zoning and land use restrictions otherwise imposed.

Planning Commission Action Per Section 607:

MOTION: Commissioner McConnell recommended approval of the modification to Section 607 Table 607-2 to reduce the required number of bicycle parking spaces from 13 to 6 for the existing building to be converted from nursing home to office use based on the staff report and testimony this evening.

SECOND: Commissioner Stup.

VOTE: 5-0

MOTION: Commissioner McConnell moved for the approval of final site plan PC12-834FSI for North Montevue Campus in accordance with the staff report and testimony and with the following conditions to be met

Less than 60 days:

1. Provide two separate Plant lists for phases A1, A2 and E1 areas.
2. Correct Parking Matrix to show CCRC to provide 79 spaces – Phase 1 (A1) and 119 - Phase 2 (A2) for a total of 198 parking spaces.

3. Provide appropriate location for 12'x50' loading space as required.
4. Remove all references and notes to the possible subdivision plat.
5. Add as part of the phasing schedule removal of temporary gravel parking lot one year after completion of Phase E1 parking lot.
6. Show six (6) bicycle parking spaces for the office building in accordance with Section 607(e) and correct the Parking Matrix table accordingly.
7. Add a note to the plan as follows: The County shall provide environmental testing of the proposed office building, to include vapor and well tests, and provide proof of the appropriate authority approval prior to receiving a City certificate of use and occupancy.

SECOND: Commissioner Stup.
VOTE: 4-1

There was no further business.

Meeting adjourned at 9:20 p.m.

Respectfully Submitted,

Carreanne Eyler
Administrative Assistant

Approved 04-08-2013