

**Planning Commission Hearing Minutes
April 14 2014**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Alderman Russell Kate McConnell Andrew Brown Barbara Nicklas	Bill Ryan	Gabrielle Dunn-Division Manager for Current Planning Zack Kershner-Director of Public Works Pam Reppert-City Planner Christina Martinkosky-HPC Planner Scott Waxter- Assistant City Attorney Carreanne Eyler –Administrative Assistant

I. ANNOUNCEMENTS:

Commissioner Nash welcomed Barbara Nicklas to the Planning Commission.

Ms. Dunn stated that Dwayne Johnson of the Frederick County Planning Commission was in attendance to extend an invitation to the Planning Commission.

Mr. Johnson extended an invitation to the Planning Commission to meet with the County Planning Commission to discuss topics of mutual interest. It was concluded that a time and topics to be discussed would be considered at an upcoming workshop.

II. APPROVAL OF MINUTES:

Approval of the **March 7, 2014** Pre-Planning Commission Meeting Minutes as published:

MOTION: Commissioner McConnell.
SECOND: Commissioner Brown.
VOTE: 4-0. (Commissioner Nickols abstained)

Approval of the **March 10, 2014** Planning Commission Meeting Minutes as published:

MOTION: Commissioner McConnell.
SECOND: Alderman Russell.
VOTE: 3-0. (Commissioner Brown abstained)

Approval of the **March 17, 2014** Planning Commission Workshop Minutes as published:

MOTION: Commissioner McConnell.
SECOND: Alderman Brown.
VOTE: 4-0 (Commissioner Nickols abstained)

Approval of the **April 11, 2014** Pre-Planning Commission Meeting Minutes as published:

MOTION: Commissioner McConnell.
SECOND: Commissioner Nickols.
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.)

A. PC14-175FSU, Final Subdivision Plat, McDonald's Restaurant

MOTION: Commissioner McConnell moved for the unconditional approval of final subdivision plat PC14-175FSU for McDonald's restaurant.

SECOND: Alderman Russell.

VOTE: 5-0.

V. CONTINUANCES:

B. PC13-541MU, Master Plan, Monocacy Center

Planning Commission Action:

MOTION: Commissioner McConnell moved to continue master plan PC13-541MU to the May 12, 2014 Planning Commission Hearing.

SECOND: Commissioner Nickols.

VOTE: 5-0.

C. PC12-015ZTA, Text Amendment, Section 404, Table 404-1, Use Matrix, Permitted Uses in the M2 district within the CCO

Planning Commission Action:

MOTION: Commissioner McConnell moved to continue PC12-015ZTA, Zoning Text Amendment to the May 12, 2014 Planning Commission Hearing.

SECOND: Commissioner Brown.

VOTE: 5-0.

VI. MISCELLANEOUS:

D. 2015-2020 Capital Improvement Program

Planning Commission Action:

MOTION: Commissioner McConnell moved for a positive recommendation to the Mayor & Board of Aldermen on the 2015-2020 CIP and draft 2015-2020 CIP Wish List in accordance with Article XIV of the City Charter.
SECOND: Commissioner Nickols.
VOTE: 5-0.

VII. NEW BUSINESS:

E. PC14-129PFCP, Preliminary Forest Conservation Plan, Sanner Farm

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

Planning Commission Action:

MOTION: Commissioner McConnell moved for the approval of preliminary forest conservation plan PC14-129PFCP for the Sanner Property with the one condition to be met in less than 60 days and the one condition to be met in greater than 60 days and less than one year as read into the record by staff.
SECOND: Commissioner Nickols.
VOTE: 5-0.

F. PC14-098ZMA, Zoning Map Amendment, 199 Baughman's Lane

Ms. Martinkosky entered the entire staff report into the record. There was public comment on this item.

Public Comment:

Victor White, Hogan Companies representing the property owner stated they are actually proposing to create a significant preservation area centered on the main stone house and any farm structures that exist today. He stated they propose to preserve 14 of the 19 structures that exist on the property. It is their belief that the Gatehouse and the Stable/Calf Barn do not individually satisfy the criteria to be eligible for historic designation while the Mill House has characteristics that makes it eligible for designation. He added that its current integrity, exterior modification over the years and the fact that there is no longer a mill to associate with the house are all reasons to justify its demolition. He concluded that they respectfully request that the members of the Planning Commission consider recommending approval of the request to demolish these 3 structures, in the case of the Mill House perhaps a suitable solution is to grant a certificate to demolish with the condition the proper photographic and historic documentation occur prior to demolition permit be granted.

Kate Kuranda of R. Christopher Goodwin & Associates, Inc. stated that the site integrity has major issues due to the loss of major buildings and landscape features over time. She said the Mill House was sighted on the geographic location of the 5 acre mill lot that was recorded in the 1852 deed that references the mill houses, out buildings, buildings & improvements and water rights. The design is consistent with

early 19th century late hall and parlor form. She indicated that while the house does represent an early house type, it meets the criteria under 4 of the HPO designation; we should remember that it is not a unique architecture feature. The majority of the property is currently in the public right of way and staff's recommendation anticipates moving the building. Once a building is moved from its original site it loses its historic context and generally is ineligible for designation by the Maryland Historical Trust and the National Park Service. In such cases, if this was a project permitted on a state or federal level, an appropriate mitigation would be considered with documentation before it is removed. She recommended that the Planning Commission consider having the documentation. Regarding the stable/calf farm it was determined that it was part of massive stable complex that was constructed under the ownership of Victor Baughman. The stable/calf barn is the secondary agricultural activity to both operations and concurs with the staff recommendation that it does not possess the individual significance or integrity necessary for designation

Chase Tydings, resides at 28 E. 3rd Street, stated that the HPC recommended to the Planning Commission that the site, structure, or district exhibit significance in design or construction by embodying the distinctive characteristics of the type, period, or method of construction including characteristics particularly associated with the City. He feels that there should be a very high burden upon the decision that was made that night.

Planning Commission Action Mill House:

MOTION: Commissioner McConnell moved to make a positive recommendation to the Mayor & Board of Aldermen for the ca. 1800 mill house at 199 Baughmans Lane, in order to apply a Historic Preservation Overlay (HPO) zone noting that the resource possesses the significance and historic integrity to individually meet the criteria for designation, specifically criteria 4.1, and also recommend that the Historic Preservation Overlay encompass the building footprint, but not the surrounding area, in anticipation that the structure may eventually move to ensure its preservation.

SECOND: Alderman Russell.

DISCUSSION: Commissioner McConnell stated that she would support the recommendation as we do have this type of building downtown in the street grid, but we don't have an example of this building type protected in an area of the of the City that was historically the outskirts of the city. She feels that there are things that can be done to protect the city's heritage that are in addition to documenting and putting up a plaque. There are ways to try to keep the context and the integrity as much as possibly by not moving it far from where it is located.

Commissioner Nickols struggles with if there is a purpose for this? She feels that if it would go on city land as part of a park would be wonderful. But not knowing what happens with this and looking at it the way it is now, this doesn't add to the quality of life of the people in the city.

Alderman Russell touched on something Commissioner McConnell said about not having any examples on the outskirts of the city. Without having the list of properties that have been identified, some of which are in the National Register District which are more on the outskirts of the city. She is not sure that she can draw that conclusion.

Commissioner Brown stated that when he looks at the building he doesn't see a significantly historic structure; it just looks like an old house. Maybe because it is old, the word is eligible. Just because it is eligible doesn't mean that it is. He feels the cost of

the move will out way the benefits of the building. He added in fact that it is in the city right of way, is also another sticky point.

Commissioner Nash believes that there is conflicting expert testimony on the significance. Reasonable experts can agree to disagree. She feels torn because that the building is not in contact and not associated with the many mini historic buildings that we are going to consider. It is in the public right of way with the widening of Baughmans Lane and in the flood plain.

VOTE: 3-2. (Commissioner Nash and Brown opposed)

Planning Commission Action Stable/Calf Barn:

MOTION: Commissioner McConnell moved to forward a resolution of support to the Mayor & Board of Aldermen for the rezoning of ca. 1890 stable/calf barn at 199 Baughmans Lane, in order to apply a Historic Preservation Overlay (HPO) zone finding that meets criteria in 4.4 as part of a district and the 100 foot buffer as recommended by the Historic Preservation Commission.

SECOND: Alderman Russell.

DISCUSSION: Commissioner Brown questioned if this property subdivided and the new line wrap tightly around the existing barn then that 100 foot buffer won't extend past those new boundary lines? Mrs. Martinkosky stated that they are working with the existing boundary lines so the 100 foot buffer is within those boundary lines and once that is established this is parceled up again so that the overlay is just over the new property. Mr. Waxter stated that typically in the city is extended over an entire recorded lot. This is the first time that an overlay has been proposed that doesn't encompass an entire lot. This will have to be called out separately by a meets and bounds description.

Ms. Dunn stated that what is important for this application is that none of the proposed overlays are reaching onto properties that aren't subject to this application. In the future a developer creates lots within that overlay that would be permissible but we are not proposing to create an overlay that would encumber a homeowner next door who is not part of this development application.

Commissioner Nash stated she doesn't think she can support the motion because when you look at the historic complex that is being proposed be retained 14 building. This building is away from those to an extent that then creating a 100 foot overlay but the main reason is the staff recommendation.

Alderman Russell stated that with regard to the structure itself individually not rising to the level of designation she asked Ms. Martinkosky if she would draw the same conclusion about this structure if the designation were as part of the complex.

Ms. Martinkosky replied that her recommendation would change because she feels that it has enough similarities and association with the rest of the farm complex that it would be a contributing resource.

MOTION: Commissioner McConnell withdrew her previous motion.

SECOND: Alderman Russell

VOTE: 5-0.

Planning Commission Action Stable/Calf Barn:

MOTION: Commissioner McConnell moved to continue action on a resolution for recommendation on the proposed rezoning of the ca. 1890 stable/calf barn at 199 Baughmans Lane, in order to apply a Historic Preservation Overlay (HPO) zone considering the potential consolidation of the stable/calf barn as part of the larger Belle-Air Conley Farm HPO zone that the HPC is reviewing at their upcoming April 24, 2014 meeting and with the consideration that the Planning Commission will make a recommendation on the stable/calf barn at the next Planning Commission Hearing regardless if it is included in the HPO recommendation from the HPC .

SECOND: Commissioner Nash.

DISCUSSION: Commissioner Brown stated that if we are going to continue this, we still have to vote on it whether it is individually historic or not, so will change on that building historically between now and a month from now. Nothing will change.

Commissioner Nash stated she concurred with Commissioner Brown and the reason the individual test is because the requirements of the Demolition Delay Ordinance so we make that finding and if it comes through as part of a complex, that is a whole different criteria and analysis.

Commissioner McConnell stated that it was her understanding from an earlier discussion that we will need to vote on individual designation for the property (stable/calf barn).

Commissioner Nash said that the DDO states it has to meet individual criteria.

Alderman Russell stated that it would move to the next section that is being part of a complex.

VOTE: 4-1. (Commissioner Brown opposed)

There was no further business.

Meeting adjourned approximately at 8:05 p.m.

Respectfully Submitted,

Carreanne Eyler
Administrative Assistant