

**Planning Commission Workshop:
September 21, 2015
2:00 P.M.**

Located in Conference Room C of the Municipal Office Annex, 140 West Patrick Street.

	PROJECT APPLICANT/ORGANIZATION	CASE PLANNER
PC15-652PCM Fence Modification	Clearview Offices & Group Home S.C. Herman (NAC # 9)	Marsh
PC15-468FSI Final Site Plan	Rosehill Plaza FMH Cancer Institute Fox & Associates (NAC #7)	Mark
PC15-404PSU Preliminary Subdivision Plat	Tuscarora Creek Harris Smariga & Associates (NAC #8)	Love
PC14-987PSU* Preliminary Subdivision Plat PC14-989FSI* Final Site Plan PC14-900FSCB* Combined Forest Stand Delineation/Preliminary Forest Conservation Plan	Monocacy Center* Wormald Development Company (NAC#4)	Reppert
PC15-701ZTA Text Amendment	Medical Cannabis City of Frederick	Adkins

Please note all applications must be reviewed with the Neighborhood Advisory Councils (NAC's) before a project may be scheduled for a Planning Commission meeting.

***Denotes plans being brought forward for information purposes only. These items will not be scheduled for the subsequent month's Planning Commission hearing. For more information, contact the assigned planner.**

During the Workshop meetings, it will be necessary for all (Master Plans, Preliminary and Final Site Plan, Annexation, and Zoning Map Amendment) applicants to pick up their signs to post the property as provided in Section 301 of the LMC. Posting verification affidavits must be returned to the Planning Department in accordance with approved policy and a photo of the sign placement on the property submitted to the project planner. Please remember to take down old signs if your project is continued and contact us for a new sign to assure being heard at the public hearing. You are still obligated to pick up your signs and post them on the appropriate date. Improper advertising may result in not being able to hear your case.

**Planning Commission Workshop
Project Summary**

Project Number	PC15-652PCM
Project Name	Clear View Office & Group Home Fence Modification
PC Workshop Date	September 21, 2015

Proposal:

The Applicant is requesting approval of a fence modification for the three lots located at 609-613 West Patrick Street, known as the Clearview Business Office and Treatment Center and the associated group home. The Applicant is requesting approval of the fence on Tract 1 at this time, however, it will be built at a later date, at such time that development on this lot occurs. The properties are located in the Residential Office (RO) District.

Important Issues:

The site plan for the properties was approved on November 10, 2014. The Applicant is requesting to place a 3.5' tall stone wall with pillars that will also serve as the entrance to the buildings. The wall will be placed six to eight feet from the back of the sidewalk, or approximately 12' from the public right of way. Signage has been proposed for the group home and the treatment center, which is included in the stone pillars. Staff would like to point that the group home, as a single family residence, is not permitted signage in accordance with Section 864(g). The Applicant should revise the drawings of the stone wall to eliminate this portion of signage. Further, the overall allowable signage for this property is eight square feet.

Per Section 821(b)(2) of the LMC, unless otherwise permitted, fences, walls and hedges are prohibited beyond the front façade of the principal structure in residential zoning districts. The Applicant has provided justification statements to address the modification criteria of Section 309 as well as the fencing modification of Section 821.

Section 309(j)(4) –

A. *The modification will not be contrary to the purpose and intent of the Code.*

Applicant statement – The stone wall will not disrupt the public's right to adequate light and air; the wall is proposed to be 3.5' tall and sits approximately 12' from the back of the sidewalk. This allows plenty of room for the pedestrian right-of-way. The wall will not create any environmental pollution, it will not create any undue concentration of population, and in general is harmonious with the purpose of the LMC.

Staff response – The purpose and intent of the Code, specifically Section 821(b)(2) is to preserve an open streetscape along the frontage of residential lots and to prevent adverse impacts on adjoining properties and the pedestrian environment. The 3.5 foot wall will be located at least six to eight feet from the sidewalk and approximately 12 feet away from the West Patrick Street right-of-way. The location, coupled with the relatively

low height will not adversely impact pedestrians or vehicles. The intent of the wall is for ornamental purposes that will enhance the streetscape and is not meant to act a barrier.

B. Modification is consistent with the Comprehensive Plan.

Applicant statement -- From a comprehensive plan perspective, the wall does not interfere with future growth nor is it in conflict with the underlying RO Zoning District. The proposed improvements are ornamental in nature, and add to the streetscape appeal of the Clearview office and group home.

Staff response – Chapter 7 of the Comprehensive Plan is the Community Character and Design (CCD) Element that establishes goals and policies that encourages amenities in neighborhoods that allow for a “sense of place” for pedestrians as part of any street. The stone wall will provide aesthetic enhancement to the existing neighborhood.

C. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement.

Applicant statement – By building a solid stone wall and incorporating the sign in the wall, the owners are creating a uniquely attractive property, not unlike the low stone or brick walls found in Historic downtown Frederick. The wall is purely ornamental and will not create a visual buffer to the property.

Staff response – As noted above, the prohibition of fencing in front yards, unless otherwise approved, is intended to prevent pedestrian “unfriendly” streetscapes dominated by physical barriers as well as to address safety concerns such as sight distance at intersecting streets and access points. The wall placement and use of masonry materials helps to address the issue of a pedestrian friendly streetscape and even serves to enhance it by providing an architectural feature that creates a community identity and a sense of place.

Section 821(d)

A. The proposed fence, wall or hedge complies with the sight triangle provision outlined in Section 611(t).

Applicant statement – By situating the wall far enough back from the right-of-way, the sight triangles are kept free and clear of the proposed wall.

Staff response -- The Applicant has delineated the sight distance triangle on the plan, which shows the fence is not located in this area. The Engineering Department also reviewed the plan and has no comments.

B. The proposed fence, wall, or hedge is consistent with the scale and design of the surrounding community.

Applicant statement – The proposed wall will be consistent with the surrounding community, including those in downtown Frederick, and similar in scale (if not smaller than) to the entry fixture of the apartment complex immediately across the street.

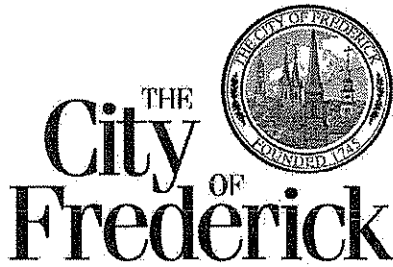
Staff response -- Staff agrees that while this property is not located in the historic district, the design and style of the fence is of the same character of stone walls found downtown and will provide enhancement of the neighborhood. This section of West Patrick Street is somewhat transitional in nature, where residential uses are converted to office uses. The design of the proposed stone wall is more reminiscent of a nonresidential-type use.

C. The proposed fence, wall or hedge does not adversely impact the use and enjoyment of other properties in the immediate vicinity.

Applicant statement – The wall will not impact the use and enjoyment of other properties. The stone wall is 3.5 feet tall and sits far back from the public pedestrian right-of-way across the front of the property. The stone wall will not block the views/vistas of any of the neighboring properties. The neighboring properties are already screened from this property with landscape buffers required at the time of Site Plan.

Staff response –Staff agrees with the Applicant’s assessment that the location of the proposed fence will not impede the use and enjoyment of the public and its placement is appropriate in size and scale relative to the surroundings.

Revised



For Official Use Only	
PC Case Number:	
Hearing Date:	
Ad Date:	
Amount Paid: \$50	\$
Date Paid:	

Planning Department * 140 West Patrick Street * Frederick, Maryland 21701 * 301.600.1499

FENCE MODIFICATION

Please legibly print or type the following application in its entirety. Incomplete applications will not be accepted. **Submit the twelve (12) copies** of this application, and any supporting information, along with appropriate fees, by 4:00 pm of the application deadline date.

APPLICANT INFORMATION - OWNER'S AFFIDAVIT MUST BE SUBMITTED WITH APPLICATION.	
Contact Name:	Tim Blanch
Firm/Company:	S. C. Herman and Associates
Address:	1120 Vermont Avenue Washington, DC 20005
Phone:	202-296-8366 email:
OWNER INFORMATION	
Name:	Good Neighbor I LLC, Good Neighbor II, LLC Good Neighbor III, LLC
Firm/Company:	
Address:	SAME AS APPLICANT
Phone:	email:

PROJECT INFORMATION	
Project location: 609, 611 & 613 West Patrick Street (Street Address)	Project name: ClearView Office & Group Home
Current zoning:	RO
Current use:	Business Office / Outpatient Treatment Group Home
CRITERIA FOR FENCE MODIFICATION	
Section 309(m)(4) states that <i>"No modification may be granted unless the Planning Commission or Department finds that:</i> <i>(Please respond to each condition statement in the area provided - use additional paper if necessary.)</i>	
A. The modification will not be contrary to the purpose and intent of the Code; and The intent of this wall is create a campus like feel to the three parcels all collectively owner by the S. C. Herman Foundation, and operated by ClearView Communities. The wall will help tie the buildings together using similar materials to the proposed buildings, and help with privacy for the visitors of the operations.	
B. The modification is consistent with the Comprehensive Plan; and While providing privacy to the visitors, the stone wall will provide for a much more aesthetically pleasing streetscape for neighboring businesses and houses.	

**Planning Commission Workshop
Project Summary**

Project Number	PC15-468FSI
Project Name	FMH Regional Cancer Institute
PC Workshop Date	September 21, 2015

Proposal:

The Applicant is proposing amendments to the previously approved final site plan for Frederick Memorial Hospital's facility at Rose Hill Plaza located on the east side of Opossumtown Pike, north of the Route 15 interchange.

Important Issues:

In February of 2014 the Planning Commission reviewed and approved a final site plan application which proposed the demolition of two of the existing buildings and a portion of the third. The redevelopment for the site included one retail pad site, a second mixed use (office and retail building), and an addition to the remaining portion of the third structure which would be used wholly for medical office. The total square footage of final construction was estimated at approximately 70,000 square feet. Demolition and construction on the site has commenced in accordance with the approved site plan, however the Applicant is proposing to amend the development plans to relocate the hospital's Cancer Care Center to the site.

As with the previously approved plan, the Applicant is proposing to maintain the majority of the structure closest to Route 15, however, the anticipated addition to that building will be replaced by plans to merge this building with what was previously proposed to be building 2. The surrounding parking areas and drive aisles are being revised accordingly to maintain proper circulation and access.

In accordance with Section 4-6 of the City Code, the Adequate Public Facilities Ordinance (APFO) the Planning Commission may not approve an application for revisions to a site plan resulting in an increase in density or intensity of use unless the plan meets the adequacy standards of the APFO. The proposed changes to the development have been evaluated in terms of impacts on water line and sewer line capacity and the roadway infrastructure is currently being reviewed to ensure it is adequate for the vehicle trips associated with the proposal. In regards to water line and sewer line the revisions do not result in an increase in intensity/density and therefore the previously approved APFO certificates remain valid. At this time, the Applicant must provide additional information that the trips associated with the revision do not result in an increase in capacity that requires additional mitigation beyond the previous approval. In terms of the localized impacts on roads, the direct access to the site from Opossumtown as well as shared common access points to adjoining properties remains as previously approved.

During the review of the revised plans, it has been determined that the existing TransIT stop located on Opossumtown at Thomas Johnson (TJ) Drive must be moved to the south because it is in a right-turn only lane and bus traffic is going to be routed to travel north on Opossumtown, rather than turning right on to TJ Drive. The Applicant has

depicted an area within the public right of way between the two access points to the site for a future bus shelter. Additional details on the dimensions of the area must be provided on the plan so as to verify that it is adequate to meet ADA requirements.

Randy McClement
Mayor



Aldermen

Kelly M. Russell
President Pro Tem

Michael C. O'Connor
Philip Dacey
Joshua Bokee
Donna Kuzemchak

Date: SEPTEMBER 3, 2015:

Engineering, Land Development and Traffic Comments

Re: PZ-15-00468 Rosehill Plaza FMH Cancer Institute

The Engineering Department requests a point-by-point response letter to the following comments. Please include the original comments in your point-by-point resubmittal.

1. This preliminary Storm Water Management Computations Report for FMH Regional Cancer Institute provides sufficient information in accordance with the City of Frederick Storm Water Management Ordinance G-10-11 and MDE SWM Design Manual.
2. Provide a revised SWM Report for redlined comments found on page 13. Proposed TR-55 printout missing, and Page 19 ESD calculation missing.
3. Easements not shown for sanitary or storm at offsite connections.
4. Is there a shared use agreement between veterinarian and FMH Rosehill for sanitary sewer:

Reviewed by Coleman, Wright, Albee, Walzl, Wakasono, and Kbrown. Entered 9/2/15 by sstamper.

**Planning Commission Workshop
Project Summary**

Project Number	PC15-404PSU
Project Name	Tuscarora Creek PND
PC Workshop Date	September 21, 2015

Proposal: The Applicant requests approval of a revision to the preliminary subdivision plat for the Tuscarora Creek Planned Neighborhood Development (PND). The most recent preliminary subdivision plat approval occurred on January 13, 2014 under case PC12-791PSU.

Important Issues:

The revisions to this plan are driven by environmental issues that arose during the permitting process through the Maryland Department of Environment (MDE). The scope of the revisions is limited in this regard and no changes to number, type, or location of residential lots are being presented.

Parkland

The Tuscarora Creek PND was originally approved in 1998 and has been revised several times since with the most recent master plan approval occurring under PC12-790PND on September 9, 2013. As part of those plans, 11.14 acres of parkland dedication was required per the 1986 Zoning Ordinance. The parkland dedication proposed under the previous preliminary subdivision plat significantly exceeded that amount with 38.25 acres proposed for dedication. The majority of the parkland dedication was passive in nature and included walking/biking trails connecting different sections of the subdivision. The Applicant has provided an exhibit representing the location of the proposed dedication.

As construction has continued on the project over the years the Applicant has been forced to reassess construction in the parkland areas as required when seeking permit approvals from MDE. Under their latest review the agency has determined that a host of environmentally sensitive areas including wetlands and other habitat have developed over the years. MDE has required the Applicant to avoid these areas, removing them from development disturbance. This has made many of the walking/biking paths unfeasible in many locations.

With the elimination of the pathways and waking trails, the value of the dedication as public parkland is significantly diminished. Accordingly, the dedication offered was reexamined by the Parks and Recreation Commission on September 8, 2015. The request was for a reduced parkland dedication as depicted on the Applicant's exhibit attached. This scenario still provides for the City Shared Use Path in accordance with the Comprehensive Plan and provides for at least the minimum parkland dedication in compliance with the 1986 Zoning Ordinance. It should also be noted that the active playing fields have been maintained as part of this dedication scenario. The Parks and Recreation Commission made a unanimous recommendation for the revised proposal.

Shared Use Path

The Shared Use Path was approved as part of the 2010 Comprehensive Plan and was a carryover from the 2004 Comprehensive Plan. Due to the issues in MDE permitting

described above, the Applicant has sought to realign the path south of Little Tuscarora Creek. To avoid further wetland disturbance a portion of the path that was formally on the Tuscarora Creek PND, the path has been realigned to cross the Bartgis property to the south. This alignment closely follows the Shared Use Path alignment shown in the Comprehensive Plan.

The Applicant has informally reached an agreement with the developer of the Bartgis Property to complete this portion of the path. The City currently has no guarantees in the form of an easement or dedication that a path can be constructed on the Bartgis property however, and therefore, the construction of the path on the Bartgis Property cannot be a condition of approval for this Application and is ultimately the responsibility of the developer of the Bartgis Property at the time that development approval on that property is requested/granted. A master plan application for the Bartgis Property is currently being reviewed by Staff under the project name The Preserves at Tuscarora. The Shared Use Path is shown on that plan accordingly.

**Planning Commission Workshop
Project Summary**

Project Number	PC14-989FSI Final Site Plan PC14-987PSU Preliminary Subdivision Plat PC-14-990PFCP Preliminary Forest Conservation Plan
Project Name	Monocacy Center
PC Workshop Date	September 21, 2015

Proposal:

The Applicant is currently processing applications for the preliminary subdivision plat, final site plan and forest conservation plan following the approval of the Mixed Use, Master Plan for the 25-acre site located on the south side of Monocacy Blvd across from Mill Pond Road. The plan is for seven (7) lots containing a total of 553 residential units and approximately 19,000 s.f. of commercial space and one open space lot.

This is an informational item only for this workshop and to provide feedback to the Applicant on several important issues.

Background

The Master Plan for Monocacy Center approved by the Planning Commission on June 9, 2014 is for the construction of a mixed use development containing 136 condominium townhomes, 417 multi-family units, and three non-residential lots proposed for retail uses. As part of the project, Mill Pond Road, which is identified as a collector street on the 2010 Comprehensive Plan, shall be built from Monocacy Blvd. to the Market Square subdivision. The approved Master Plan showed Land Bay 1 with two mixed use buildings containing first floor retail and upper floors for 113 residential units; and Land Bay 6 proposed for 136 condo style townhomes.

The Applicant is currently seeking revisions to the approved Master Plan for the purposes of transferring 11 residential units from Land Bay 6 to Land Bay 1 and changing the land areas of Land Bays 1, 2, 3, and 4 by ± 0.1 acres. As revised, Land Bay 1 will have one mixed use building with retail on the first floor and residential units on the second through fourth floors. The density and area changes do not exceed 10% difference; therefore, under Section 310(f), the revised Master Plan qualifies for staff level review and approval.

The subject plans need to reflect the ultimate Master Plan revision prior to proceeding to the Planning Commission hearing.

Important Issues:

Parkland. During the Master Plan review process, the Applicant sought a recommendation from the Parks and Recreation Commission on their proposal to meet the parkland dedication requirements of Section 608 of the LMC. Based on the total number of units, the Applicant is required to provide a dedication of 12.5 acres. The Parks and Recreation Commission recommended that the Applicant provide a minimum of 1.25 acres of private parkland on site and pay a fee-in-lieu of the remaining 11.26 acres of parkland requirement in accordance with Section 608(h).

During the Master Plan review there were concerns expressed about the functionality and accessibility of the areas proposed for private parkland in terms of fulfilling the needs of the community. The site plan now provides additional detailing about the amenities, size, location, access, etc. However Staff still has some concerns with the areas shown on the plan. Generally speaking, Staff is concerned about the ability of the proposed park spaces to meet the definitions of parkland as outlined in Section 608(b), Table 608-1. Many of the areas are undersized, such as the playground/tot lots and the dog park; the storm water management areas are not functionally suitable for parks; and the interior parking lot green areas do not provide practicable park areas.

Per Section 608(h), in considering the combination of fee-in-lieu of and private parkland, the Planning Commission must determine if the private parkland functionally provides passive and active areas for the community, as is the intent of the Parks and Recreation Commission original recommendation. Upon review of the more detailed preliminary subdivision and final site plans, Staff recommends that the Commission require a full fee in lieu of payment versus providing credit for the private open space areas.

Accessibility. Certain elements of the street design for Mill Pond Road also still need to be resolved. Specifically, the Applicant needs to correct the design for the bus stop areas for both east and westbound traffic and receive approval from County TransIT. In addition, the parking along Mill Pond Road must be all private or all public. Engineering prefers the right-of-way to be consistently symmetrical with equal distance on either side from the center line of Mill Pond Road; however, there can be potential impact to setbacks, design, etc. The plan currently depicts bike lanes on Mill Pond Road; however, the right of way is not adequate to accommodate full bike lanes, therefore, "sharrows" will be used to indicate that the travel lanes are intended to be shared by both automobile and bicycle traffic.

The Engineering Department and the Fire Protection Engineer have emergency access concerns along Mill Pond Road and Shorebird Street and are requesting that there be emergency access connections installed with bollards and chain and Knox lock box per the County standards if connecting loop roads cannot be

achieved in design. Plus, there needs to be adequate turnaround between building 4A and pond LB4-2 on Lot 4. As a note of correction, the extension of Shorebird Street from Market Square is not a local road at this time. It is instead a connection to the private drive behind Walmart to access Monocacy Blvd.

Signage. The Applicant proposes to submit a signage package as part of the plan approvals. The Preliminary Subdivision and Final Site Plans would otherwise just show proposed location of freestanding signage. Section 864(k)(3) "*Shopping Centers*" allows for the Planning Commission to approve a signage package for buildings with four-sided architecture as part of a shopping center. The mixed use building in Land Bay 1 qualifies as a shopping center in Table 863-1 as long as the building will have 4-sided architecture. As part of a signage package, the Applicant will address retail wall signage in addition to freestanding signs for the development. Lots 2-4, however, are not considered a shopping center and designed as single lot uses.

Utilities. This development is served by County sewer and plans must have County approval. Monocacy Center proposes to realign the sewer to connect to the sewer line serving Walmart and abandon the existing sewer easement that crosses the two properties.

Attachments:

- Preliminary Subdivision
- Final Site Plan
- Preliminary Forest Conservation Plan
- Design Booklet