

Planning Commission Hearing Minutes
DATE: June 11, 2018

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair	Kelly Russell – Alderman & Secretary	Gabrielle Collard, Division Manager of Current Planning
Arlene Perkins – Vice Chair		Cherian Eapen, Traffic Engineer
Ron Burns		Scott Waxter, Assistant City Attorney
Katie Isaac		Marshall Brown, City Planner
Alan Imhoff – Alternate		Pam Reppert, City Planner
		Jessica Murphy, Administrative Assistant

I. ANNOUNCEMENTS:

Ms. Collard made the following announcements about upcoming events and opportunities:

- The Workshop Agenda with attachments are available online for the workshop scheduled for Monday June 18, 2018 at 2pm in the Municipal Annex Building.

II. APPROVAL OF MINUTES:

Approval of the **May 14, 2018** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Perkins
SECOND: Commissioner Imhoff
VOTE: 5-0.

Approval of the **May 21, 2018** Planning Commission Workshop Minutes as amended:

MOTION: Commissioner Perkins
SECOND: Commissioner Imhoff
VOTE: 5-0.

Approval of the **June 8, 2018** Pre-Planning Commission Minutes as amended:

MOTION: Commissioner Perkins
SECOND: Commissioner Imhoff
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.)

V. CONTINUANCES:

A. HPC18-409ZMA, Zoning Map Amendment, 401 Linden Avenue

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to approve a continuance to the July 9, 2018 Planning Commission meeting.

SECOND: Commissioner Imhoff

VOTE: 5-0

VI. MISCELLENEOUS:

B. Presentation of the 2017 Annual Report

PLANNING COMMISSION ACTION:

No Action was required by the Planning Commission.

VII. NEW BUSINESS:

C. PC18-276PSU/FSI, Combined Preliminary Plat and Final Site Plan, Renn Property

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve the combined preliminary plat and final site plan for the Renn Property, PC18-276PSU/FSI, in compliance with all of the applicable criteria of Articles 3, 4, 5,

6, 8 and 12 of the LMC, and conformance with master plan approved for the subject property, the 2010 Comprehensive Plan, the adequacy of facilities and services to accommodate the impacts of the development, with the following conditions of approval:

1. The following technical comments must be addressed:
 - a. Sheet 1,
 - i. Correct case number in the title block to PC18-276PSU/FSI.
 - ii. Show Walker Alley behind Lots 238-246.
 - iii. Update revision block and consecutive sheets.
 - b. Sheet 2,
 - i. Note 6,
 1. Correct ***Note to reflect 852 units and remaining 198 units in future phases.
 2. Correct 22' front loaded attached single family townhomes to (A-3C).
 - ii. Note 8; add "Non-residential elevations will be approved by the Planning Commission prior to building permit issuance for compliance with Section 604 for Class A building design standards in accordance w/ Section 407.
 - iii. Note 30; verify ROW acres, 4.05 or 29.83 for the 189+ acres of development. Correct accordingly.
 - iv. Note 35, correct Checkerspot and Dairy Barn alley names to reflect the corresponding name changes.
 - c. Sheet 4, Correct *Note 16' Townhomes should have 111 units for 56 on street spaces required. On drawing please identify and pattern the 56 spaces to be available.
2. Provide proof of City and County approvals for the street names as shown.
3. Revise Floodplain Note 18, to provide the CLOMR number and approval date for the removal of floodplain in buildable lots shown on sheet 6.

SECOND: Commissioner Perkins

VOTE: 5-0

D. PC18-179FSI, Final Site Plan, Renn Property

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved to approve a modification to Section 417, Table 417-2 to increase the maximum street setback from 35 feet to 75.83 feet based on the following findings:

- a. The modification will not be contrary to the purpose and intent of the Code;
- b. The modification is consistent with the Community Character and Design Element of the 2010 Comprehensive Plan; and
- c. That the street access to store fronts and shared courtyard between buildings serve as compensating design features that contribute to a pedestrian oriented streetscape.

SECOND: Commissioner Perkins

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to approve a modification to Section 417, Table 417-2 to increase the interior setback from 25 feet to 218.91 feet, based on the following findings:

- a. The modification will not be contrary to the purpose and intent of the Code;
- b. The modification is consistent with the Community Character and Design Element of the 2010 Comprehensive Plan; and
- c. That the street access to store fronts and shared courtyard between buildings serve as compensating design features that contribute to a pedestrian oriented streetscape.

SECOND: Commissioner Imhoff

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to approve a modification to allow 3 sf. of signage per linear foot of building frontage for the shopping center in accordance with Section 864(k)(3) and the proposed sign package with the following findings:

- a. The modification will not be contrary to the purpose and intent of the Code;
- b. The modification is consistent with the Community Character and Design Element of the 2010 Comprehensive Plan; and
- c. That the proposed signage is compatible with the architecture and architecture throughout the City.

SECOND: Commissioner Imhoff

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to approve final site plan PC18-179FSI, for Lots 3 and 4 based on compliance with the applicable sections of the LMC, consistency with the approved master plan and adequacy approvals granted at that time, as well as consistency with the 2010 Comprehensive Plan, with the following conditions to be met:

1. Correct ***Note to 852 units proposed and 198 remaining units.
2. Correct Land use note with accurate 36,190 s.f. for nonresidential.
3. Correct all four building dimensions to reflect the exterior wall dimensions for ultimate square footage of the buildings.
4. Note 6:
 - a. Correct the building square footages per lot;
 - b. Correct the calculations based on the correct building s.f.;

- c. Align the Farmer's Market parking requirements under Lot 4 total requirement for the lot.
5. Note 13, remove portion of note related to Frederick County DUSWM since the sewer service is to be provided by the City of Frederick.
6. Landscaping:
 - a. Remove Shumard Red Oaks from along the rear of the buildings and substitute with a more appropriate size tree with smaller crown to mature within the 10' distance from the building. Shumard Red Oaks have a canopy of 40' spread.
 - b. Tree symbols should reflect mature canopy size of trees. Correct all accordingly.
7. Move Lot 3 building width dimension of 72.7' on the building for clarity.

SECOND: Commissioner Imhoff

VOTE: 5-0

E. PC17-52, Final Site Plan, Liza's Property

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved to approve a modification in accordance with Section 309 to Section 601 to the entrance spacing standards finding that:

- a. The modification will not be contrary to the purpose and intent of the Code;
- b. The modification is consistent with the Comprehensive Plan; and
- c. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement.

SECOND: Commissioner Perkins

VOTE: 5-0

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved for conditional approval for final site plan PC17-52FSI, for Liza's LLC finding that the proposing is in compliance with all of the applicable criteria of Articles 4, 6, 7, 8 and 12 of the LMC and the 2010 Comprehensive Plan and that the facilities and services necessary to include APFO to accommodate the impacts of the development are adequate with the following conditions:

1. That a revised Traffic Impact Study be provided addressing the comments dated May 15, 2018 from the City Traffic Engineer.
2. Show a crosswalk for employees to access the drive through waiting parking space. 1
3. Extend the striping of the drive through queuing lane to differentiate it from the main access drive in front of the building.

SECOND: Commissioner Perkins

VOTE: 5-0

F. PC18-177PFCP, Preliminary Forest Conservation Plan, Liza's Property

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Imhoff moved for unconditional approval in accordance with Section 721 of the LMC for the preliminary forest conservation plan PC18-177PFCP, for Lizas LLC.

SECOND: Commissioner Perkins

VOTE: 5-0

G. PC-17-993PND, Master Plan, Free and Medwid

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

Debby Moone who spoke for the Rocky Springs Chapel & Manor House explained the historic value of the properties including the Cemetery and expressed concern for historic resources on site and its interpretation in the future. She explained it is the oldest cemetery in the County. She believes the properties should be National Landmarks. Ms. Moone is concerned for the integrity of the site and would like to see a Historic Overlay be put on the property. Ms. Moone also provided the Planning Commission with an information packet about the properties.

Nancy Lincoln who spoke for the Board of Trustees to the Rocky Springs Cemetery has concerns about the entrance and the exit for the Cemetery. Ms. Lincoln also advised there needs to be adequate space for funerals as well as a fence with a buffer at the developers expense. Ms. Lincoln is concerned about what will happen to the walking path. She advised that ample parking is needed for the Cemetery and wants to know how the Cemetery will be protected from construction of the development and from vandalism.

Joe Campbell of 1628 Shookstown Road spoke in reference to the Cemetery. He has concerns about the entrance and exit and being able to have enough parking for funerals. Mr. Campbell would like to have a buffer to block view of houses from the Cemetery. He also would like the bike path built far enough away from the Cemetery so they do not have trash problems. He is also concerned about road maintenance. Mr. Campbell feels any improvements necessary to the Cemetery because of the proposed development should be at the cost of the developer. He also advised its troubling to see more development with schools in the area already at capacity.

PLANNING COMMISSION ACTION:

This is the first of two required public hearings.

H. PC18-381ZTA, Text Amendment, Section 405, Table 405-1, Bulk and Dimensional Standards, Building Height

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to recommend denial to the Mayor and Board of Aldermen for the amendments to §405, Table 405-1 of the Land Management Code (LCM) as proposed in the draft ordinance finding that the height limits are very prescriptive and that changes in the neighborhood compatibility of homes, whether they be groups or single applications, be looked at more comprehensively from the standpoint of several other factors other than just a height limit and that these be based on guidelines that gives the Planning Commission and staff the ability to consider principles and considerations with regards to the many aspects of architecture, height and compatibility with a neighborhood and not just simply the height restriction.

SECOND: Commissioner Perkins

VOTE: 4-1 (Commissioner Nicklas Opposed)

I. PC18-445ZTA, Text Amendment, Section 864, Temporary and Seasonal Uses

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

PLANNING COMMISSION ACTION:

MOTION: Commissioner Perkins moved to send a positive recommendation from the Planning Commission to the Mayor and Board of Aldermen for the amendments to §867 the Land Management Code (LCM) as proposed in the draft ordinance finding that they are consistent with the other regulations of the Land Management Code and that the changes implement goals of the 2010 Comprehensive Plan.

SECOND: Commissioner Imhoff

VOTE: 5-0

J. PC18-246ZMA, Zoning Map Amendment, 10 N Carroll

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

Irene Kirilloff of 204 E. Church Street feels that the zoning should be changed because the property should be commercial; however, she does not want to see a night club or bar occupy the space due to noise and would like the zoning to be DBO. She feels the zoning will affect the livability of the area because it's not a mixed use block and would like a buffer created.

Mary Rokos of 225 E. Church St. is concerned about more congestion that will be brought into the area and asked the Commission to hold off on the rezoning.

Ruth Cassidy of 228 E. Church St. is concerned about parking as she states it's already bad and has concerns about the hours of operation another commercial business like a restaurant or bar would bring to the area.

Bob Cassidy of 228 E. Church St. would like the property zoned DBO and has concerns about noise and parking.

Sharon K. Suarez of 234 1/2 E. Church St. spoke about Maryland's "change or mistake" laws to the Commission. She advised the property should not be zoned DB and agrees with the DR zone and that there needs to be a more comprehensive look at zoning.

Bruce Dean with Linowes & Blocher spoke for the owner of 10 N. Carroll and advised they are in support of the application. Mr. Dean advised that the zoning was a mapping error which would make it a pure mistake. He advised the property has always been a commercial property and with the City being the applicant on the project it shows there was an error and the zoning shouldn't have been changed. He advised the error should and can be corrected.

Robert Ebberson of 9033 Templeton Drive advised that he rents out the property at 202 E. Church Street and if a business that creates a disturbance occupies the space it would cause his tenants to leave and they would face a financial hardship as a result.

Nancy Green with Macintosh Realtors commented she sold the property to the Berkowitz's and she is the listing agent on the property now trying to sell it and has hopes that the zoning will be fixed. This is the first time Ms. Green has seen this issue and advised it's difficult to have to explain to clients that this can happen and isn't good for business. Ms. Green advised this is a mistake that needs corrected.

PLANNING COMMISSION ACTION:

This is the first of two required public hearings.

K. PC18-245ZMA, Zoning Map Amendment, Westside Regional Park

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

PLANNING COMMISSION ACTION:

This is the first of two required public hearings.

Meeting approximately adjourned at 9:05 pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant

APPROVED 7/09/2018