

**Planning Commission Hearing Minutes**  
**DATE: December 10, 2018**

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

**I. ANNOUNCEMENTS:**

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

- Ms. Collard introduced Mayor Michael O’Connor to honor Planning Commission member Alan Imhoff for his many years of service in Frederick.
- The Workshop Agenda with attachments are available online for the workshop scheduled for Monday, December 17, 2018 at 2pm in the Municipal Annex Building.

**II. APPROVAL OF MINUTES:**

Approval of the **November 13, 2018** Planning Commission Meeting Minutes as amended:

**MOTION: Commissioner Perkins**

**SECOND: Commissioner Imhoff**

**VOTE: 4-0. (Commissioner Strawson Abstained)**

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Approval of the **November 19, 2018** Planning Commission Workshop Minutes as amended:

**MOTION: Commissioner Perkins**

**SECOND: Commissioner Imhoff**

**VOTE: 5-0.**

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Approval of the **December 7, 2018** Pre-Planning Commission Minutes as amended:

**MOTION: Commissioner Perkins**

**SECOND: Commissioner Imhoff**

**VOTE: 5-0.**

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**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”.*

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**IV. MISCELLANEOUS**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff moved to approve the 2019-2020 Planning Commission Calendar.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**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. PC18-191FSU, Final Plat, Renn Family Investments, LLC**

**B. PC18-800FSI, Final Site Plan, Whittier Lakefront Center Building 4**

**MOTION:** Commissioner Imhoff moved to approve the consent agenda.

**SECOND:** Commissioner Strawson

**VOTE:** 5-0

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**VI. CONTINUANCES:**

**C. PC18-670FSI, Final Site Plan, Suntrust Bank**

**D. PC18-671FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Suntrust Bank**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to approve a 30-day continuance to the **January 14, 2019** public meeting.

**SECOND:** Commissioner Imhoff

**VOTE:** 5-0

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**VII. OLD BUSINESS:**

**E. PC16-436PND, Master Plan, Caidlyn**

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff in accordance with §410(e)(1), moved to approve modifications to §405, *Dimensional and Density Regulations*, finding that they contribute to the integrated and creative design of a variety of housing types and maximize the preservation of open spaces and natural features.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff moved to approve a modification to §601, Access Management, to reduce the separation standards for single family access points on a local street and between local streets on a local street subject to the provisions of all necessary public utilities and street frontage improvements as noted on the plan.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff moved to approve a modification to §606, Lots and Blocks, to establish lots with no street frontage finding that access for vehicles, utilities and emergency vehicles will be insured through the use of common area agreements or private easements.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff moved to approve modifications to §611, Street Improvement Standards finding that the requests:

- A. Are compatible with surrounding neighborhood,
- B. Are compatible with the overall development of the City,
- C. Will not be detrimental to public health and safety or to the delivery of public services to the future residents of the PND, including police, fire protection, emergency services, utilities, solid waste collection, and schools; and
- D. Are subject to mitigation measures that resolve the issues and address the purpose of the regulations that are subject to modification.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff In accordance with §410(e)(3) moved to approve a modification to §803, Accessory Uses and Structures, to the maximum yard coverage requirements for accessory structures finding that they contribute to the integrated and creative design of a variety of housing types and maximize the preservation of open spaces and natural features.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff moved to approve a modification to §821, Fences Walls and Hedges, to allow residential fences with an overall height of 7' to include 6' of privacy fence plus 1' of lattice finding that:

- A. The fencing is part of an overall fencing plan for the PND;
- B. The fencing plan is in harmony with the intent and design of the PND;
- C. The fencing is compatible with surrounding residential developments; and
- D. The fencing is approved by the City Engineer as to compatibility with City highway safety standards.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff moved to approve Master Plan PC16-436PND for the Caidlyn Planned Neighborhood Development finding that it will constitute a primarily residential environment of continuing desirability and suitability, that it is in reasonable harmony with the character of the surrounding neighborhoods, and that it will ensure substantially the same or a higher standard of development than that would occur pursuant to the R4 district in which the project is located and finding that the project is consistent with the 2010 Comprehensive Plan and that it meets the standards of the Adequate Public Facilities Ordinance (APFO) with the following conditions:

1. That the Moderately Priced Dwelling Unit (MPDU) payment agreement be executed and that the recording reference be added to the master plan.
2. That page 10 of the design booklet depicting Local Street "C" with Head-in Parking" be revised to locate street lights within island and not behind the sidewalks where applicable.
3. Revise General Note #8 to read," Utilities to be stubbed and area to be reserved for public ROW to facilitate inter-parcel connectivity to the Feichtl Property. The Developer shall propose preliminary roadway alignments for the inter-parcel connector and the intersecting street during the PSU phase. The feasibility of the future proposed roadway alignment along with the timing of dedication shall be determined by the City Engineer during PSU phase. The Developer of the Caidlyn Property will not be required to improve reserved portion of the public ROW."

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**VIII. NEW BUSINESS:**

**F. PC18-796FSI, Final Site Plan, 900 E. Patrick Street**

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to approve a modification to Section 605(g) to waive the interior parking lot landscaping requirement finding that:

1. The modification will not be contrary to the purpose and intent of the Code because the new building will utilize the existing parking lot used by the demolished building. ;
2. The modification is consistent with the 2010 Comprehensive Plan in that it is compatible with the character of the surrounding area of nearby MI properties.
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement because the Applicant is proposing additional plantings along the property line with where there is existing greenspace.

**SECOND:** Commissioner Imhoff

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved for conditional approval of the Final Site Plan, PC18-796FSI to construct a 15,000 square foot warehouse and distribution building based on compliance with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC and consistency with the 2010 Comprehensive Plan with the following condition:

1. Receive approval of the Form 74-60 from the Maryland Aviation Authority and Federal Aviation Authority.
2. The Landscaping plan must be signed and sealed by a certified Landscape Architect.
3. Revise Note #14 to indicate that a payment of \$12,300.00 for the stormwater waiver fee is to be paid at the time of application for a Grading/Public Improvement Permit.
4. Revise the plan to reflect that the street trees will be located within the right of way planting strip.

**SECOND:** Commissioner Strawson

**VOTE:** 5-0

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**G. PC18-797FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, 900 E. Patrick Street**

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved for unconditional approval of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, PC18-797FSCB, to pay a fee in lieu of mitigation for in the amount of \$8,624.88 for the 0.66 acres required based on compliance with all of the applicable criteria of Section 721 of the Land Management Code LMC and consistency with the 2010 Comprehensive Plan

**SECOND:** Commissioner Strawson

**VOTE:** 5-0

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**H. PC18-794FSU, Final Subdivision Plat, Frederick Airport Park Lots 8C and 8D**

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to approve the modification to Section 606(b)(2) to waive the requirement that every lot shall front on a public street finding that:.

1. Lot 8A's frontage along Bowman Farm Road is disproportionate to its depth making subdivision in strict compliance with the Code impracticable;
2. The modification does not conflict with the general purpose and intent or the regulation subject to modification as access for utilities and vehicles is assured through existing and proposed access easements; and that
3. The modification does not conflict with any provision of the Comprehensive Plan or with the general purpose and intent of these regulations.

**SECOND:** Commissioner Imhoff

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved for conditional approval of the Final Plat, PC18-794FSU, to subdivide Lot BA into two parcels to create Lots 8C & 8D based on compliance with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC and consistency with the 2010 Comprehensive Plan with the following conditions:

1. Record the 24ft wide ingress and egress easement and label the liber/folio on the final plat.

**SECOND:** Commissioner Imhoff

**VOTE:** 5-0

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**I. PC18-795FSI, Final Site Plan, Frederick Airport Park Lots 8C and 8D**

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

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to for conditional approval of the Final Site Plan, PC1S-79SFSI, to construct an office/warehouse building on Lot SC and a glass manufacturing building on Lot SD based on compliance with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC and consistency with the 2010 Comprehensive Plan with the following conditions:

1. Final Subdivision Plat PC18-794FSU must be recorded.
2. Delete Note #17 and replace with a note referencing the Adequate Public Facilities Ordinance certificates and their date of issuance.
3. Revise the plan to reflect Frederick County's DUSWM concerns regarding landscaping and light and resubmit and obtain approval from the agency.

**SECOND:** Commissioner Strawson

**VOTE:** 5-0

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**J. PC18-489FSI, Final Site Plan, 400 E. Church Street**

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

Matt Jones of 240 E. Second Street commented he would like the applicant to put in street trees.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff moved to approve modifications to Section 601(f)(2) to modify access drive separation standards finding that:

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

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff moved to approve the modifications to Section 605(f)(3) in order to waive the requirement to plant street trees along the East Church Street frontage of the Property finding that:

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

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff moved to approve the modifications to Section 607(e)(2) concerning parking area lighting to allow a minimal amount of lighting to penetrate the property line finding that:

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

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff moved to approve the Applicant's request to reduce the time period for which the certificates of Adequate Public Facilities for the project remain valid from five years to two years.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff moved for conditional approval of Final Site Plan PC18-489FSI for 400 E. Church Street based on compliance with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC and consistency with the 2010 Comprehensive Plan with the following condition:

1. That the Applicant submit payment of the fee in lieu of parkland dedication in the amount of \$85,000.
2. That a note be added to the plan that at the time of improvement plans the applicant work with the City Arborist to determine if there is an opportunity to add street trees to the project.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**K. PC18-490FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, 400 E. Church Street**

Mr. Brown 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 of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, PC18-797FSCB, to pay a fee in lieu of mitigation in the amount of \$5,277.90 for the mitigation of 0.4 acres based on compliance with all of the applicable standards of Section 721 of the Land Management Code and consistency with the 2010 Comprehensive Plan.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**L. PC16-434MU, Master Plan, Summers Farm**

Mr. Brown 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.

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**Meeting approximately adjourned at 8:00 pm**

Respectfully Submitted,

Jessica Murphy  
Administrative Assistant

APPROVED 1/14/2019