

Planning Commission Hearing Minutes
Date: July 29, 2021

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair Joan Strawson – Vice Chair Kelly Russell – Alderman & Secretary Dorothy Menelas Shannon Sperati Ronald Beattie – Alternate Member		Gabrielle Collard, Division Manager of Current Planning Pam Reppert, Planner III Jessica Murphy, Administrative Assistant Cherian Eapen, Traffic Engineer Scott Helgeson, Engineering Manager Stephen Davis, Assistant City Attorney

I. CALL TO ORDER:

II. ANNOUNCEMENTS:

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

- Planning Commission Hearing Monday, August 9, 2021, items will be available on the City of Frederick website.
- Planning Commission meetings should be returning to in person hybrid meetings with the applicant and staff in August.

III. APPROVAL OF MINUTES:

Approval of the **June 14, 2021**, Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Sperati

VOTE: 5-0.

Approval of the **June 21, 2021**, Planning Commission Workshop Meeting Minutes as amended:

MOTION: Commissioner Sperati

SECOND: Commissioner Strawson

VOTE: 5-0.

Approval of the **July 9, 2021**, Planning Commission Pre-Planning Meeting Minutes as amended:

MOTION: Commissioner Sperati

SECOND: Commissioner Strawson

VOTE: 4-0. (Commissioner Menelas abstained)

Approval of the **July 12, 2021**, Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson
SECOND: Alderman Russell
VOTE: 4-0. (Commissioner Menelas abstained)

IV. PUBLIC HEARING-CONSENT ITEMS:

(All matters included under the Consent Agenda are 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: None

VI. MISCELLANEOUS: None

VII. OLD BUSINESS: None

VIII. NEW BUSINESS:

A. PC21-205PSU, Preliminary Plat, Frederick Commerce Center

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of the modification to Section 611, Table 611-5, Minimum Right of Way Widths, of the Land Management Code, for a section of Gas House Pike.

SECOND: Commissioner Menelas

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of Preliminary Plat (PC21-205PSU) with the following conditions to be met:

1. Revise the plan to eliminate Lot 2 by expanding the area of Lot 1 to encompass the area shown as Lot 2; and adjust all notations and labels accordingly including the title block to indicate Lots 1-3. Edit Note 12, the No Further Action letter was issued on May 3, 2021.
2. Clearly identify the subdivision line and provide labeling of the parcels creating the lots.
3. Darken the identification information of the County lots on Sheet 6 and provide identification on Sheet 2.
4. Revise Note 7 to include the Forest Stand Delineation approval date 4/23/21 and unconditional approval date of Preliminary Forest Conservation Plan. Correct Preliminary Forest Conservation Plan case number to PC21-210PFCP.
5. Revise Note 13 to include the recording reference of the Deed of Perpetual Easement.
6. Remove the entrances lots along Commerce Center Road.
7. Edit APFO Note 11 to indicate certificates as Full or Provisional and that the Road certificate was issued on 7/16/21
8. Clearly delineate the width limits of the farm lot existing drive on Sheet 7.
9. Edit Note 10 to:
 - a. Break out the road dedication areas required from each lot.
 - b. For Lot 1 (Parcel 3) and Lot 3 (Parcel 5) define the resubdivision of land for each lot.
 - c. Relabel lots as 1-3.
10. Obtain County and City approval of the Commerce Center Road name.
11. Change the street tree note from Master Planned Road to Commerce Center Drive on Sheet 6.
12. Substitute the Zelkova street tree with a specie to be approved by Staff.
13. Address Engineering comments as follows:
 - a. Provide vertical datum of site with the monuments or control points and their corresponding descriptions and elevations used to control the site.
 - b. Provide North Arrow in NAD 83/91 datum on sheet 2.
 - c. Provide a coordinate table and descriptions of all property corners.
 - d. Provide the plat recording reference for Gas House Pike r/w.
 - e. Make all text legible (larger) on the overall plan.
 - f. Sign and date the Surveyor's Certification.

SECOND: Commissioner Menelas

VOTE: 5-0.

B. PC21-210PFCP, Preliminary Forest Conservation Plan, Frederick Commerce Center

PLANNING COMMISSION ACTION:

MOTION: Commissioner Menelas moved for approval of the modification to Section 721(d)(2) to remove up to 16 specimen trees.

SECOND: Commissioner Strawson

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of Preliminary Forest Conservation Plan PC21-210PFCP with the following conditions:

1. Edit Inspection Note 4 as follows: At the end of the two-year maintenance period of ~~this landscape credit area~~ the afforestation areas, if the planting meets . . .
2. Edit Inspection Note 5 as follows:
 - a. Delete the last two sentences.
 - b. Add text: No additional reinforcement plantings shall be installed after the initial two years of the maintenance period. Survival rate shall be the sole responsibility of the owner.
3. Provide inspection notes for the 5-year maintenance period for planting area A-8 indicating that no reinforcement plantings after the 5th year and maintenance period to be extended 2 years to meet survival rate. Staff to approve the inspection notes.
4. Provide detail of specimen trees 11 and 16 critical root zone demonstrating no more than 30% encroachment, if 30% or greater then these trees should be shown as removed.
5. Add in the legend, color symbols to denote separate identification of the stream, stream buffer and limits of disturbance lines.
6. Remove notes referencing RC Parcel planting areas being subject to change pending discussions with property owner.
7. Add a note below the plant lists on Sheet 7 indicating, *“As part of the review and approval of the Final Forest Conservation Plan, the Applicant must submit an analysis demonstrating that the specie selection for planting areas within the Deed of Perpetual Easement L. 15106, F. 358-367 will not create obstructions of the airspace based on their expected height at maturity and that the content of the resulting planting areas will be analyzed for an appropriate mix of understory and canopy trees; all subject to approval by City staff.”*
8. The Developer must execute an agreement with the City to establish the future owners of the lots contained in the Frederick Commerce Center subdivision (PC21- 205PSU) as responsible for the approval and removal of obstructions within all of the areas covered by the deeds of perpetual easement, L. 15106 F.358-367 and L. 12844 F. 255, that are placed within the forest conservation areas.
9. Resubmit a modification request to include specimen tree #30 as listed for removal on the plan.

SECOND: Commissioner Sperati

VOTE: 5-0.

C. PC21-206FSI, Final Site Plan, Frederick Commerce Center, Lot 1

PLANNING COMMISSION ACTION:

MOTION: Commissioner Menelas moved for approval of the modification to Section 605, Table 605-6 to the minimum percentage of interior parking lot landscaping required.

SECOND: Commissioner Sperati

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Menelas moved for approval of Final Site Plan PC21-206FSI with the following conditions to be met:

1. Revise the plan to show a 5' wide sidewalk in addition to the proposed 20' wide private drive which terminates at the shared property line with Riverside Corporate Park to the west to comply with the provisions of Annexation Resolution 17-20, Paragraph 9(ii).
2. Show the existing houses on County Lots 1 and 2 located along Gas House Pike and add notations to the plan indicating To Be Removed (TBR). Add a note to the plan stating that prior to building permits issuance the demolition of the residential structures on both lots will be complete.
3. Show the continuation of the proposed landscape buffer on the subject site adjacent to, and in between, County Lots 1 and 2 continued across County Lots 1 and 2.
4. Edit note 13 to specify if a provisional or full certificate was issued and add the date of the roads certificate issuance date.
5. Add the date and recording reference for the deed of perpetual easement to Note 17.
6. Revise the lighting plan to eliminate light spillover onto adjacent properties.
7. Verify easement boundaries across the property in accordance with the recorded deed of perpetual easement L. 15106, F. 358-367.
8. Label ownership of adjacent Lot 3.
9. Revise the street name Commerce Center Street as necessary to reflect the approved, street name on the Preliminary Plat.
10. Landscaping:
 - a. Provide stamp and seal on landscaping plans by Certified Landscape Architect.
 - b. Edit the landscape note on multiple sheets correcting the reference from Sheet 11 to Sheet 12 for the landscape requirements and schedule.
 - c. Rectify the discrepancy between the Preliminary Plat notes and subject plan for the number of street tree along Gas House Pike.
 - d. Provide the total number of trees in the plant schedule.
 - e. Show the existing tree line on the rear of the County lots and offset the limits of disturbance to assure survival of the existing trees, if necessary.
 - f. Add landscaping note that the street trees within the avigation easement area may be substituted for more appropriate trees based on maximum height.
11. Offset the limits of disturbance line along the Riverside Corporate Park if necessary to protect the existing afforestation area.
12. Provide a detail for the access gates and indicate height.
13. The plan should show the adjacent afforestation areas in accordance with the Preliminary Forest Conservation Plan as approved.
14. Clearly identify the fence line with labeling and lead lines or more "X" s.
15. Verify Gas House Pike labeled width and correct either the Preliminary Plat or the subject plan accordingly to resolve discrepancy between 114' or 105'.
16. Complete Note 3 with recording references of final plat.
17. Label the building restriction lines/setbacks.
18. Address the following comments from the Engineering Department:
 - a. Show bearings and distances of property lines on demolition and overall plan sheets.
 - b. Provide Gas house Pike plat recording reference and right-of-way width.
 - c. Provide the vertical datum of the site.
 - d. Sign and date the surveyor's boundary certification.

- e. Remove “magnetic” north arrow text on cover sheet.
 - f. Show only Lot 1 and remove or lighten contours on the coversheet to provide clarity.
19. Revise Note 5 to break out the trailer parking from the vehicle parking numbers provided.
20. Add to Area Summary the road dedication acreage to verify sum of the total property area.
21. Revise Note 5 to eliminate the reference to providing space inside of the building for bike storage to show proposed bike racks on the site and provide the number of covered bike racks provided in Note 5.

SECOND: Commissioner Sperati

VOTE: 5-0.

D. PC21-208FSI, Final Site Plan, Frederick Commerce Center, Lot 3

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of the modification to Section 605, Table 605-6 to the minimum percentage of interior parking lot landscaping required.

SECOND: Commissioner Menelas

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for approval of Final Site Plan PC21-208FSI with the following conditions to be met:

1. Relabel this lot throughout the plan and in the title block to the new lot number assignments per the approved Preliminary Plat.
2. Complete note 19 with plan approval dates.
3. Edit note 13 to specify if a provisional or full certificate was issued and add the date of the roads certificate issuance date.
4. Add the date and recording reference for the deed of perpetual easement to Note 17.
5. Revise the notes on Sheet 1 to accurately reflect the proposed building square footage with the addition of the car wash s.f.
6. Landscaping:
 - a. Provide stamp and seal on landscaping plans by Certified Landscape Architect.
 - b. Provide the total number of trees in the plant schedule.
 - c. Add landscaping note that the street trees within the avigation easement area may be substituted for more appropriate trees based on maximum height.
7. Provide lighting plan to reflect 0.0 footcandles to the limits of the property lines.
8. Verify Gas House Pike labeled width and correct either the Preliminary Plat or the subject plan accordingly to resolve discrepancy between 114' or 105'.
9. Complete Note 3 with recording references of final plat.
10. Address the following comments from the Engineering Department:
 - a. Show bearings and distances of property lines on demolition and overall plan sheets.

- b. Provide Gas house Pike plat recording reference and right-of-way width.
 - c. Provide the vertical datum of the site.
 - d. Sign and date the surveyor's boundary certification.
 - e. Remove "magnetic" north arrow text on cover sheet.
 - f. Show only Lot 3 and remove or lighten contours on the coversheet to provide clarity.
11. Correct number of loading spaces along Gas House Pike and include number of loading spaces in Note 5.
 12. Add dimensions to the car wash addition to the building.
 13. Provide easement recording references for the County SWM as shown.
 14. Add note that the stormwater runoff will be diverted from dumping into the stream during the improvement plan stage.
 15. Verify the total number of passenger vehicle parking spaces.
 16. Revise the street name Commerce Center Street or Commerce Center Court as necessary to reflect the approved, street name on the Preliminary Plat.
 17. Add reference to the modification request in the landscaping notes.
 18. Revise Note 5 to eliminate the reference to providing space inside of the building for bike storage to show proposed bike racks on the site and provide the number of covered bike racks provided in Note 5.

SECOND: Commissioner Menelas

VOTE: 5-0.

E. PC21-209FSI, Final Site Plan, Frederick Commerce Center, Lot 4

PLANNING COMMISSION ACTION:

MOTION: Commissioner Menelas moved for approval of the modification to Section 605, Table 605-6 to the minimum percentage of interior parking lot landscaping required.

SECOND: Commissioner Sperati

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Sperati moved for approval of Final Site Plan PC21-209FSI with the following conditions to be met:

1. Relabel this lot throughout the plan and in the title block to the new lot number assignments per the approved Preliminary Plat.
2. Complete Note 19 with the approval dates.
3. Edit note 13 to specify if a provisional or full certificate was issued and add the date of the roads certificate issuance date.
4. Add the date and recording reference for the deed of perpetual easement to Note 17.
5. Clearly identify the chain link fence with "X" s along the fence line.
6. Provide a detail for the access gates and indicate the height.

7. Provide the typical widths for the loading spaces and passenger vehicle parking spaces.
8. Provide delineated loading spaces for number of spaces to be provided in Note 5.
9. Complete Note 3 with recording references of final plat.
10. Revise the label for Gas House Pike on Sheets 2 and 3 to be legible and to indicate that it is an arterial roadway. Clarify the variable width of the road.
11. Delineate with lead lines the clear width and location of the Farm Lot drive.
12. Add a note stating all signage/pavement markings will be in accordance with the Maryland Manual on Uniformed Traffic Control Devices (MUTCD).
13. Label the forest conservation areas on Sheet 5.
14. Label the width of the westernmost driveway.
15. Revise the lighting plan to eliminate spillover onto adjacent property to the west.
16. Landscaping:
 - a. Provide the total number of trees in the planting schedule and verify total plantings on site and correct notes or tables accordingly.
 - b. Rectify the discrepancy between the Preliminary Plat notes and subject plan for the number of street tree along Gas House Pike.
 - c. Delete the street tree notes for the N/S road, not applicable to this plan.
 - d. Provide stamp and seal on landscaping plans by Certified Landscape Architect.
 - e. Clearly label the interior landscaping areas of the passenger vehicle parking lots to comply with the 10% requirement on Sheet 3.
 - f. Delineate between the width of the afforestation buffer along the Farm Lot and width of the landscape buffer.
17. Revise Note 5 to eliminate the reference to providing space inside of the building for bike storage to show covered bike racks on the site and provide the number of bike racks provided in Note 5.

SECOND: Commissioner Menelas

VOTE: 5-0.

Meeting approximately adjourned at 9:10 pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant