

**Planning Commission Hearing Minutes**  
**Date: December 12, 2022**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair Joan Strawson – Vice Chair Ronald Beattie – Secretary Ben MacShane, Alderman Dorothy Menelas April Lee – Alternate		Gabrielle Collard, Division Manager of Current Planning Scott Waxter, Assistant City Attorney Pam Reppart, Planner II Sherry Kelly, Planner II Cherian Eapen, Traffic Engineer Jennifer Van de Griek, Administrative Assistant

**I. CALL TO ORDER:**

**II. ANNOUNCEMENTS:**

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

- There will be an East Street Form Based Code Charrette Report Open House on Wednesday, 12/14 from 5:30pm-7:00pm in Conference Room C of the Municipal Annex, at 140 West Patrick Street.
- Planning Commission Workshop will be Monday, December 19th at 2pm, in-person, items will be available on the City of Frederick website.
- The Citywide Planning Division Community Outreach Meeting is also Monday, December 19th, at 6pm.

**III. APPROVAL OF MINUTES:**

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Approval of the **November 14, 2022**, Planning Commission Meeting Minutes:

**MOTION:** Commissioner Strawson

**SECOND:** Commissioner Beattie

**VOTE: 5-0.**

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Approval of the **November 21, 2022**, Planning Commission Workshop Minutes

**MOTION:** Commissioner Menelas

**SECOND:** Commissioner Beattie

**VOTE: 5-0.**

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Approval of the **December 9, 2022**, Planning Commission Pre-Planning Commission Meeting Minutes

**MOTION:** Commissioner Beattie

**SECOND:** Commissioner Strawson

**VOTE: 5-0.**

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**IV. PUBLIC HEARING-CONSENT ITEMS: N/A**

(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.)

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**V. CONTINUANCES:**

- A. PC18-791FSU, Final Plat, 417 W. Patrick Street**
- B. PC18-792FSI, Final Site Plan, 417 W. Patrick Street**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for a continuance to the January 9, 2023 Planning Commission hearing.

**SECOND:** Commissioner Menelas.

**VOTE: 5-0.**

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**VI. MISCELLANEOUS:**

- C. Approval of the 2023-2024 Planning Commission Deadline Schedules**

**MOTION:** Commissioner Beattie moved for approval of the 2023-2024 Planning Commission Deadline Schedules

**SECOND:** Commissioner Strawson.

**VOTE: 5-0.**

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**VII. OLD BUSINESS: N/A**

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**VIII. NEW BUSINESS:**

- D. PC22-731FSI, Final Site Plan, Black Hog**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Strawson moved for approval of Final Site Plan PC22-731FSI for Black Hog, with the following conditions:

1. Revise Note 1 to indicate the approval of the HPC applications.
2. Revise Note 14 to reference the Limits of Disturbance consistent with the exhibit on Sheet 4.
3. Revise Note 18 to include the approval dates of the water line and sewer line APFO exemptions.

**SECOND:** Commissioner Menelas.

**VOTE: 5-0.**

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**E. PC22-405FSI, Final Site Plan, 8401 Progress Court**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Beattie moved for approval of Final Site Plan PC22-405FSI for 8401 Progress Court, with the following conditions:

1. Remove the north arrow on page 2 that contains the plat reference.
2. Remove the benchmark references and replace with ON SITE benchmarks.
3. Remove the existing coordinate table and provide the City monuments or on site control points with their corresponding coordinates descriptions and elevations used to control the site datums.
4. Add a note to the plat stating that the Applicant must submit a payment of \$1,390.78 contribution towards the signal at Monocacy Boulevard and Progress Court prior to building permit issuance.

**SECOND:** Commissioner Menelas.

**VOTE: 5-0.**

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**F. PC22-743FSI, Final Site Plan, Oxford Monocacy**

**PLANNING COMMISSION ACTION 1:**

**MOTION:** Commissioner Menelas moved for a modification to Section 607(e)(2)(D) that requires light be contained within the property boundaries.

**SECOND:** Commissioner Beattie.

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION 2:**

**MOTION:** Commissioner Beattie moved for a modification to Section 605, Table 605-3 for the Level I and Level II screening requirements to eliminate 19 trees along the north property line and 27 trees along the south property line.

**SECOND:** Commissioner Lee.

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION 3:**

**MOTION:** Commissioner Lee moved for a modification to Section 601, Table 601-2 for a reduction of the required 400' separation distance between the northern entrance and a local road (Brandywine Street) on an arterial road (Monocacy Boulevard) to 296'.

**SECOND:** Commissioner Beattie.

**VOTE: 5-0.**

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**PLANNING COMMISSION ACTION 4:**

**MOTION:** Commissioner Beattie moved for a finding of road adequacy in accordance with Section 4-14(C)(3) of the City Code, the *Adequate Public Facilities Ordinance*.

**SECOND:** Commissioner Menelas.

**VOTE:** 5-0.

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**PLANNING COMMISSION ACTION 5:**

**MOTION:** Commissioner Menelas moved for approval of Final Site Plan PC22-743FSI for Oxford Monocacy to construct three 2-story buildings for a total of 480,000 gross square feet, with the following conditions:

1. Submit a final TIS for approval by the Engineering Department.
2. Add a note to the site plan to provide ADA compliant crosswalks across all four legs of the Monocacy Blvd/Bond St/Site Entrance intersection as part of the signal design update for the intersection at the time of improvement plan submission.
3. Verify the total number of parking spaces on site and correct Note 5 accordingly.
4. Show on the plan the 10' wide median in Monocacy Blvd as demonstrated in the North Truck Access exhibit and verified by the Engineering Department.
5. Revise Note 1 to document that the project falls completely within the Airport Overlay (AO).
6. Complete Note 6 with FAA and MAA approval dates.
7. Delete Note 7.
8. Revise Note 14 to indicate Final Plat recordation date and references.
9. Complete Note 15 with APFO certificate issuance dates.
10. Edit Note 20 to clearly document the separation distances and reflect the revised condition of the north entrance and the median to be installed.
11. Revise Sheet 6, Truck Template, to reflect the truck movements to coincide with the redesigned north access and the Monocacy Blvd median to be installed.
12. Obtain Combined Forest Stand Delineation and Preliminary Forest Conservation Plan (PC22-744FSCB) unconditional approval, add date to Note 14, and label the afforestation and/or landscape credit areas on the site plan accordingly.
13. In the landscaping notes, document the required Level I screening and modified as proposed.
14. Add a note to Sheet 3 of the plan set indicating that the trees in the median will be maintained by the developer.
15. Add on Sheet 4 a footnote to the landscaping notes regarding street trees stating that the street trees in the median will be subject to a maintenance agreement to be executed at the time of improvement plan approval.
16. The number of trees in the Landscaping should be verified by Staff and Applicant.

**SECOND:** Commissioner Lee.

**VOTE:** 5-0.

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**G. PC22-744FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Oxford Monocacy**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Beattie moved for approval of the combined forest stand delineation and preliminary forest conservation plan, PC22-744FSCB, for the Oxford Monocacy development, with the following conditions:

1. Remove the stormwater areas to recalculate the qualifying areas for landscape credit on site.
2. Correct the notes below the Forest Worksheet on sheet 3 to reflect the reductions in landscape credit areas, any adjustment to street tree credits, and the increase in the amount of fee in lieu required accordingly.
3. Correct the Forest Worksheet Land Use Category to “*Commercial and Industrial Use Area*”.
4. Add protection fencing and signage details and legend symbols to the plan.
5. Show protection fencing and signage around **the rear and side property lines for the** planting areas to the rear of the buildings.
6. Show protection signage around the north amenity area.
7. Edit Inspections Note 2 to read: . . . be extended two years.

**SECOND:** Commissioner Lee.

**VOTE:** 4-0.

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**H. PC22-398PSU-FSI, Combined Preliminary Plat and Final Site Plan, Bloomfields Sections 3 & 5**

*William Weller of 2520 Homewood Drive is the president of the Willow Road Residents’ Association. The residents would love to see a traffic circle at the intersection of Willow Road and Willowbrook Road. They are amenable to there being a stop sign until a traffic circle can be installed.*

**PLANNING COMMISSION ACTION 1:**

**MOTION:** Commissioner Beattie moved for modifications to Section 601, Table 601-2 for the separation standards between the intersection distance between Bee Balm Circle and Rose Hip Drive on Garden Gate Drive reduced to 32’; the intersection distance between Cashew Circle and Broadleaf Drive on Clementine Drive reduced to 71’; and the distance between Indigo Circles northern and southern intersections on Broadleaf Drive reduced to 86’.

**SECOND:** Commissioner Menelas.

**VOTE:** 4-0.

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**PLANNING COMMISSION ACTION 2:**

**MOTION:** Commissioner Menelas moved for approval of a Combined Preliminary Plat and Final Site Plan for Sections 3 and 5 of the Bloomfields ARCD, with the following conditions:

1. Add a Land Area Summary table to include acreage for total lots, open space, and road dedication.
2. Add to SFD-E detail label for “cottages”.
3. Correct Note 19 with the water line capacity certificate date of 8/20/18.
4. Provide on each landscape sheet a separate plant schedule with quantity totals for more efficient verification and inspection purposes and documentation to follow through on improvement plans.

5. Add a note: A 10' underground easement is required behind sidewalks in green space for First Energy installation for primary and service installation to be shown behind the street tree easements.
6. Correct Site Plan Data Table for Section 601, on sheet 1 to list the modified street intersections and the distances.
7. Obtain Mayor and Board approval of afforestation within the parkland to be dedicated to the City for Bloomfields Sections 2, 3, and 5 as presented as part of this plan.
8. Parcel O as shown on SP-5 be either shown as an addition to Lot 1, Crums Consort (L.1154 F. 645) as shown on SP-8 or that an easement is shown and labeled providing access over Parcel O for the benefit of Lot 1, Crums Consort (L.1154, F. 645).

**SECOND:** Commissioner Lee.

**VOTE:** 4-0.

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**I. PC22-643FSI, Final Site Plan, DNK Properties**

**PLANNING COMMISSION ACTION 1:**

**MOTION:** Commissioner Lee moved for approval of a modification to Section 607(h), Table 607-4 for minimum off-site loading spaces, to provide on small 9'x20' loading space in lieu of one large 12'x50' loading space.

**SECOND:** Commissioner Menelas.

**VOTE:** 4-0.

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**PLANNING COMMISSION ACTION 2:**

**MOTION:** Commissioner Beattie moved for approval of a modification of Section 607(e)(2)(D), which requires that parking area lighting be arranged to contain the light within the property boundaries.

**SECOND:** Commissioner Menelas.

**VOTE:** 4-0.

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**PLANNING COMMISSION ACTION 3:**

**MOTION:** Commissioner Menelas moved for approval of a modification of Section 605(e), Table 605-3 – Buffer and Screening by District or Use, which requires a Level I buffer in the rear yard of through-lots adjacent to any other district.

**SECOND:** Commissioner Beattie.

**VOTE:** 4-0.

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**PLANNING COMMISSION ACTION 4:**

**MOTION:** Commissioner Lee moved for approval of the Final Site Plan, PC22-643FSI for DNK Health Properties, with the following conditions:

1. Provide the approval dates for the CAPF-WL and CAPF-SL in Note 16 on Sheet one.
2. Revise the Modifications list on Sheet one to include the Commission approval date.
3. Revise note 6 to include that an accurate boundary line survey has been performed per the requirements stated in the Development Review Checklist.

**SECOND:** Commissioner Menelas.

**VOTE:** 4-0.

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**J. PC22-293FSI, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, DNK Health Properties**

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Beattie moved for approval of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, PC22-644FSCB for DNK Health Properties

**SECOND:** Commissioner Lee.

**VOTE:** 4-0.

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**K. PC22-514PND, Master Plan, Barrick Property**

*Mary Stone, of 7738 Kemp Lane, is concerned with the traffic and noise on Kemp Lane. She hopes the first thing that happens with this development is the extension of Christopher's Crossing.*

**PLANNING COMMISSION ACTION:**

*This is the first of two required public hearings.*

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**L. PC22-950ZMA, Zoning Map Amendment, 1700 Atlas Drive**

*Todd Offutt, the Owner of the property, read his letter stating that the Maryland Historical Trust has determined that the property is not eligible for the National Register due to its having been relocated. He believes changes to the building have resulted in the loss of its historical importance and opposes the HPO designation of this property. He's upset with the rushed, uncoordinated, and inefficient handling of this matter and is requesting collaboration and cooperation..*

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Beattie moved for a recommendation to the Mayor and Board of Aldermen for the placement of a Historic Preservation Overlay (HPO) on approximately 0.167 acres of land at 1700 Atlas Drive.

**SECOND:** Commissioner Menelas.

**VOTE:** 4-0.

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Meeting adjourned at approximately 9:20 pm.

Respectfully Submitted,

Jennifer Van de Griek  
Administrative Assistant

APPROVED 1/19/23