

**Planning Commission Hearing Minutes  
May 14, 2012**

<b>PC MEMBERS</b>	<b>PC MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>
Meta Nash Josh Bokee Alderman Russell Elisabeth Fetting Rick Stup Bill Ryan		Gabrielle Dunn-Division Manager for Current Planning Joe Adkins-Deputy Director for Planning Brandon Mark-City Planner Pam Reppert-City Planner Devon Hahn-City Traffic Engineer Scott Waxter-Asst. Assistant City Attorney Carreanne Eyler-Administrative Assistant

**I. ANNOUNCEMENTS:**

Commissioner Nash welcomed Mr. William Ryan, the new alternate, to the Planning Commission.

Mrs. Dunn announced that staff has decided to add additional workshops and hearings to continue the discussion on the Comprehensive Rezoning. On May 21, 2012 at 2 P.M. in the Annex Office Building, there will be a workshop and the areas that will be discussed are NAC's 1, 2, 3, 5 & 8 as well as the individual request that was part of those NACs and then June 11, 2012 at 6 P.M. in the City Hall Boardroom, there will be a public hearing focusing on those areas. She added that on June 18, 2012 there will be a workshop meeting at 2 P.M. in the Annex Office Building to discuss NAC's 4, 6, 7, 9, 10, 11 & 12 and the individual request that was part of the discussion for those areas as well. The tentative public hearing for that discussion would be July 9, 2012 at 6 P.M. in the City Hall Boardroom.

**II. APPROVAL OF MINUTES:**

Approval of the May 11, 2012 Pre-planning Commission Meeting Minutes as amended:

**MOTION:** Commissioner Stup.  
**SECOND:** Commissioner Fetting.  
**VOTE:** 5-0.

Approval of the April 9, 2012 Planning Commission Meeting Minutes as amended:

**MOTION:** Commissioner Stup.  
**SECOND:** Commissioner Fetting.  
**VOTE:** 5-0.

Approval of the April 16, 2012 Planning Commission Workshop Minutes as amended:

**MOTION:** Commissioner Stup.  
**SECOND:** Commissioner Fetting.  
**VOTE:** 5-0.

Approval of the April 23, 2012 Planning Commission Meeting Minutes as amended:

**MOTION:** Commissioner Stup.  
**SECOND:** Commissioner Fetting.  
**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".*

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**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.)

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**V. CONTINUANCES:**

**A. PC12-112FSI-Final Site Plan, FCC Building C Renovation Addition**

**MOTION:** Commissioner Stup.  
**SECOND:** Commissioner Bokee.  
**VOTE:** 5-0.

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**VI. MISCELLANEOUS:**

**B. Charter Revisions**

Mrs. Dunn entered the entire staff report into the record. The Commission discussed the proposed changes to Sections 1, 2, 3, and 5 and reached a consensus on recommendations to forward to the Mayor and Board. There was no public comment for this item. No motion for this item.

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**C. PC12-269PCM-Fence Modification, 1001 North Market Street**

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

**MOTION:** Commissioner Stup moved for approval of PC12-269PCM in accordance with the staff report and the testimony given.  
**SECOND:** Commissioner Bokee.  
**VOTE:** 5-0.

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**D. PC11-245FSI-Final Site Plan, Hood College Aquatic Center**

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

**Planning Commission Action for PC11-245FSI:**

**MOTION:** Commissioner Stup moved to approve PC11-245FSI with the 6 conditions to be met in less than 60 days and the 1 condition to be met in greater than 60 days and less than 1 year in accordance with the staff report and the testimony this evening.

**SECOND:** Commissioner Fetting.  
**VOTE:** 5-0.

**Planning Commission Action Per Section 821 (d):**

**MOTION:** Commissioner Stup moved to approve the modification to Section 821 (d) for the construction of an 8' chain link fence along Magnolia Avenue in accordance with the application submitted and testimony.

**SECOND:** Commissioner Bokee.  
**VOTE:** 5-0.

**Planning Commission Action of Architectural Elevations:**

**MOTION:** Commissioner Stup moved to approve the architectural elevations for Hood College as submitted.

**SECOND:** Commissioner Fetting.  
**VOTE:** 5-0.

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**E. PC11-245FSI-Final Site Plan, Hood College Aquatic Center**

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

**MOTION:** Commissioner Bokee moved to recommend approval of combined forest stand delineation/preliminary forest conservation plan PC12-052FSCB for payment of fee-in-lieu of 4,626.00 subject to the conditions to be met in less than 60 days in accordance with the staff report.

**SECOND:** Commissioner Stup.  
**VOTE:** 5-0.

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**F. PC12-056PSU-Preliminary Subdivision Plat, Nicodemus Property**

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

**MOTION:** Commissioner Stup moved to approve PC12-056PSU in accordance with the staff recommendation and the testimony provided with the following conditions:

In Less than 60 days:

1. Change Alley 4 to private.
2. Add a second crosswalk on Gas House Pike/E Church Street at the intersection of the East 7<sup>th</sup> Street and East Church Street. For the proposed crosswalk at the intersection of Gas House Pike/E Church Street and Road E, submit a sight distance drawing for Engineering approval.
3. Relocate the sidewalk connection in front of Lots 259-261 to the south side of Alley 2, make a sidewalk connection from the corner of the sidewalk on Lot 258 to the relocated Alley 2 sidewalk, and relocate the shown sidewalk connection through Open Space 5 onto Lot 257.
4. Change the sidewalk along Road D to 6' on drawing to match the required collector standard.

5. In Phase 3 of the phasing table, correct the SWM facility acreage to 2.77.
6. Remove the trash pad shown on Road A.
7. The Landscape plans must be signed and sealed by a registered Landscape Architect.
8. Edit Note #25 – Trash pickup provided by the City on public streets and alleys. Public alleys shall be built to public standard, width, and posted with “no parking in alleys at any time” signage. Public alley design to be approved by Engineering at the improvement stage.

Greater than 60 days and less than one year:

1. Obtain unconditional approval of the revised Master and Preliminary Forest Conservation Plans and provide approval dates in Notes 2 and 13.
2. Provide all street and alley names with approval from City and County. Note #24, private alleys 7, 8, and 9 should be 7 (south), 8 (east), and 9 (east) to identify and separate alley names to be maintained by the City or not.

**SECOND:** Commissioner Bokee.

**VOTE:** 5-0.

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**G. PC12-054FSI-Final Site Plan, Nicodemus Property**

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

**MOTION:** Commissioner Stup moved to approve PC12-054FSI in accordance with the staff report and the applicant’s testimony with conditions:

In Less than 60 days:

1. Change Alley 4 to private.
2. Add a second crosswalk on Gas House Pike/E Church Street at the intersection of the East 7<sup>th</sup> Street and East Church Street. For the proposed crosswalk at the intersection of Gas House Pike/E Church Street and Road E, submit a sight distance drawing for engineering approval.
3. Relocate the sidewalk connection in front of Lots 259-261 to the south side of Alley 2, make a sidewalk connection from the corner of the sidewalk on Lot 258 to the relocated Alley 2 sidewalk, and relocate the shown sidewalk connection through Open Space 5 onto Lot 257.
4. Change the sidewalk along Road D to 6’ on drawing to match the required collector standard.
5. In Phase 3 of the phasing table, correct the SWM facility acreage to 2.77.
6. Remove the trash pad shown on Road A.
7. The Landscape plans must be signed and sealed by a registered Landscape Architect.
8. Edit Note #25 – Trash pickup provided by the City on public streets and alleys. Public alleys shall be built to public standard, width, and posted with “no parking in alleys at any time” signage. Public alley design to be approved by Engineering at the improvement stage.

Greater than 60 days and less than one year:

1. Obtain unconditional approval of the revised Master Plan, Preliminary Subdivision Plat and Preliminary Forest Conservation Plans and provide approval dates in Notes 2 and 13.
2. Submit draft HOA documents for review and approval.

**SECOND:** Commissioner Bokee.  
**VOTE:** 5-0.

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**H. PC12-223PFCP-Preliminary Forest Conservation Plan, Nicodemus Property**

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

**MOTION:** Commissioner Stup moved to approve PC12-223PFCP in accordance with the staff report and the applicant's testimony with conditions:  
Less than 60 days:

1. Show protective signage around the Open Space 16 afforestation area.
2. Correct the critical root zone details for S1 and S2 trees and the corresponding notes.
3. Correct typo under Landscape Planting Schedule: Landscape credit area **must** survive 100%; and it should be 31 trees per landscape acre.
4. Edit Inspection Note #4, Final release will be dependent on removal of protection devices, with exception of 50% protective signage remains around the afforestation areas as permanent, no removal.
5. Correct on Sheet 1, Note 6 to reflect the revised number of 4.43 acres of landscape credit.
6. Correct spelling of Department in Sequence of Construction Notes 6 and 7

Greater than 60 Days and less than one year:

1. Provide protective signage detail on the plan and work with staff to determine the appropriate number and location of signs for each landscape credit area not to exceed a maximum of 1 sign/10,000 s.f.

**SECOND:** Commissioner Bokee.  
**VOTE:** 5-0.

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**I. PC12-229ZTA-Zoning Text Amendment, Section 417 (e), Mixed Use Phasing**

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

**MOTION:** Commissioner Bokee moved to support a positive recommendation to the Mayor & Board of Aldermen for the draft ordinances presented by staff for amendments to Section 417 (e) Mixed Use Districts MU1, MU2 as read into the record and discussed by staff.

**SECOND:** Commissioner Fetting.  
**VOTE:** 5-0.

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**J. PC11-805ANX-Annexation, Crum Property**

Mr. Adkins entered the entire staff report into the record. Janice Wiles with Friends of Frederick County stated that this proposal is based off a 2009 annexation plan however; there was never a 2009 annexation plan. The documents submitted are not in compliance with 66b. She has concerns of what the impact will be and how they would mitigate the impacts, the cost of the impacts and who would pay for that. She stated that another concern is schools and roads. The city doesn't have an adequate APFO for the schools.

**MOTION:** Commissioner Stup motioned to continue this case to the July 9, 2012 Planning Commission Hearing so that additional workshops could be held to address issues that were raised.

**SECOND:** Commissioner Bokee.

**VOTE:** 5-0.

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There was no further business.

**Meeting adjourned at 9:30 P.M**

Respectfully Submitted,

Carreanne Eyler  
Administrative Assistant

APPROVED 06-11-2012