

## Planning Commission Hearing

### Minutes

January 10, 2011

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash	Josh Bokee	Gabrielle Dunn-Division Manager for Current Planning
Alderman Russell	Gary Brooks	Jeff Love-City Planner
Steve Stoyke		Devon Hahn-City Traffic Engineer
		Scott Waxter-Assistant City Attorney
		Carreanne Eyler-Administrative Assistant

•I. **Announcements:**

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Ms. Dunn notified the Commission and the audience of the third Golden Mile Small Area Plan Workshop on January 25, 2011 at City Hall.

II. **Approval of Minutes:**

Approval of the **December 13, 2010** Planning Commission Minutes as amended:

**MOTION:** Alderman Russell.

**SECOND:** Commissioner Stoyke.

**VOTE:** 3-0.

Approval of the **December 20, 2010** Workshop Minutes as amended:

The majority of Commission members present at the workshop were not present at the hearing so no vote was taken and the minutes were tabled until the next Planning Commission Hearing (2/14/11).

Approval of the **January 7, 2011** Preplanning Commission Minutes as amended:

**MOTION:** Alderman Russell.

**SECOND:** Commissioner Stoyke.

**VOTE:** 3-0.

**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:**

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(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. **Miscellaneous:**

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Planning Commission discussion regarding the inclusion of the Pledge of Allegiance on the monthly agenda.

**Commissioner Nash suggested that since this item was requested by Commissioner Brooks who was not present at the hearing, it would be best to postpone it until the following month.**

**MOTION:** Commissioner Stoyke made a motion to table this discussion until the February 14, 2011 Planning Commission Hearing.

**SECOND:** Alderman Russell.

**VOTE:** 3-0.

•VI. **Old Business:**

A. **PC10-387PCM-Sign Modification-Clemson Corner**

**INTRODUCTION OF CASE BY THE PLANNING STAFF:**

Mr. Love entered the entire staff report into the record. He stated that the Applicant has provided a modification package in accordance with §864(k)(3) to permit in increase in the permitted signage for the Clemson Corner shopping center. The revisions provided serve as an addendum to the modification package previously approved by the Planning Commission at their November 8, 2010 meeting.

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**INITIAL PLANNING STAFF RECOMMENDATION:**

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Staff recommends conditional approval of the modification to increase the amount of permitted attached signage in accordance with §864(k)(3) and in the amount on the architectural elevations provided with the following conditions:

To be met in less than 60 days:

- 1. Revise the calculations for Tenant 1 on the corner retail building per the Applicant's requested revisions.
- 2. Revise the calculations for the provided signage for Wegmans to switch the amounts shown for the rear and side elevations.

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**PLANNING COMMISSION QUESTIONING OF STAFF:**

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Aldermen Russell questioned staff as to whether or not the applicant would have to come back to the Commission each time that they were changing signs.

Mr. Love noted that provided that the signage is the same square footage or less than approved by the Commission, that each time a tenant changed they would not be required to come back to the Commission.

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**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

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Mr. Bruce Dean, McEvoy & Dean, concurred with the staff report.

Mr. Jim Castillo, Faison, commented that this would most likely be the last he would be in front of the Planning Commission and wanted to thank staff and the Commission for all of their time and effort.

Commissioner Nash thanked Mr. Castillo for the quality of the submittals that he had submitted with the previous reviews.

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**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

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There was no questioning of the petitioner/applicant from the Planning Commission.

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**PUBLIC COMMENT:**

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There was no public comment.

**PETITIONER REBUTTAL:**

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There was no petitioner rebuttal.

**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

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There was no discussion or questions for staff from the Planning Commission.

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**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

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There were no restatement/revisions from Planning staff.

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**PLANNING COMMISSION ACTION:**

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**MOTION:** Alderman Russell moved to approve PC10-387PCM in accordance with the staff recommendation

**SECOND:** Commissioner Stoyke.

**VOTE:** 3-0.

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**•VII. New Business:**

**B. PC10-328FSI-Final Site Plan- CVS Pharmacy**

**INTRODUCTION OF CASE BY THE PLANNING STAFF:**

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Mr. Love entered the entire staff report into the record. He stated that the Applicant is requesting final site plan approval to construct a 13,281 SF CVS Pharmacy with a two-lane drive-thru.

The Applicant is also requesting a modification to the entrance space requirements per Section 601 of the Land Management Code (LMC).

**INITIAL PLANNING STAFF RECOMMENDATION:**

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Staff recommends approval of a modification to Section 601 of the LMC for the minimum entrance spacing requirements for the entrance on Old Camp Road, an arterial roadway, based on its alignment with Garrett Drive and its continued shared use with the multiple users on the subject property as well as the elimination of a nonconforming access point on Rt.40.

Staff recommends conditional approval of final site plan PC10-328FSI with the following conditions:

To be met in less than 60 days:

- 1. Revise the street tree locations and street tree easements per the staff report.
- 2. Remove the note below the future parking condition inset on Sheet 1.
- 3. A note must be added to the site plan indicating the dates of the CAPF-WL and CAPF-SL approvals as well as the provisional CAPF-R, noting the following conditions to be met:
  - a. The Applicant must provide documentation to SHA staff and receive concurrence from SHA that WB US 40 left-turn lane queues meet adequacy standards. Otherwise, the Applicant must lengthen the left-turn lane accordingly as part of the improvement plan approval process.
  - b. The Applicant remit a \$1000 pro-rata share payment to an escrow account for a future four-way signalized intersection at US40 Alt and Old Camp Road, once Mt. Phillip Road is realigned prior to building permit approval.
- 4. Add a note which states, "In accordance with the Applicant's proffer, the Applicant will remit \$40,000 to the City of Frederick as a contribution towards signal upgrades at the intersection of Rt. 40 and Old Camp Road prior to building permit issuance. In the event that the signal upgrades are required of the Applicant by the State Highway Administration (SHA) during access permitting, the \$40,000 will be returned to the Applicant."

To be met in greater than 60 days and less than one year:

- 1. The Applicant must record a final subdivision plat consolidating the subject parcels depicted on the final site plan.

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**PLANNING COMMISSION QUESTIONING OF STAFF:**

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There was no questioning of staff from the Planning Commission.

**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

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Mr. Matt Allen, Bohler Engineering, concurred with the staff report.

**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

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There was no questioning of the petitioner/applicant from the Planning Commission.

**PUBLIC COMMENT:**

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There was no public comment.

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**PETITIONER REBUTTAL:**

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There was no petitioner rebuttal.

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**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

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There was no discussion and questions for staff from the Planning Commission.

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**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**



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There were no restatement/revisions from Planning staff.

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**PLANNING COMMISSION ACTION MODIFICATION PER SECTION 601:**

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**MOTION:** Alderman Russell moved to approve the modification as read into the record by staff.

**SECOND:** Commissioner Stoyke.

**VOTE:** 3-0.

**PLANNING COMMISSION ACTION PC10-328FSI:**

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**MOTION:** Alderman Russell moved for the unconditional approve of final site plan PC10-328FSI with the conditions 1-4 to be met in less than 60 days as read by staff and the 1 condition in greater than 60 days but less than 1 year.

**SECOND:** Commissioner Stoyke.

**VOTE:** 3-0.

**C. PC10-371FSCB-Combined Forest Stand Delineation/Preliminary Forest Conservation Plan-CVS Pharmacy**

**INTRODUCTION OF CASE BY THE PLANNING STAFF:**

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Mr. Love entered the entire staff report into the record. He stated that the Applicant is requesting approval of a combined forest stand delineation/preliminary forest conservation plan associated with final site plan PC10-328FSI, for the construction of a CVS Pharmacy at 1460 W. Patrick St.

The Applicant is requesting payment of fee-in-lieu of afforestation in the amount of \$9,670.20.

**INITIAL PLANNING STAFF RECOMMENDATION:**

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Staff recommends unconditional approval of combined FSD/preliminary forest conservation plan, PC10-371FSCB, with a payment of fee-in-lieu of \$9,670.20.

**PLANNING COMMISSION QUESTIONING OF STAFF:**

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Commissioner Nash questioned if the increase in caliper of plantings that was proposed to mitigate for the removal of the specimen trees needed to be noted on the plan.

Mr. Love noted that a notation indicating such had been added to both the landscaping plan in the final site plan as well as on the forest conservation plan itself.

**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

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Mr. Matt Allen, Bohler Engineering, concurred with the staff report.

**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

-

There was not questioning of the petitioner/applicant from the Planning Commission.

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**PUBLIC COMMENT:**

-

There was no public comment.

**PETITIONER REBUTTAL:**

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There was no petitioner rebuttal.

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**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

-

There was no discussion and questions for staff from the Planning Commission.

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**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

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There were no restatement/revisions from the Planning Staff.

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**PLANNING COMMISSION ACTION:**

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**MOTION:** Alderman Russell move to approve conditional approval of the combined FSD/preliminary forest conservation plan PC10-371FSCB with a payment fee-in-lieu of \$ 9,670.20.

**SECOND:** Commissioner Stoyke.

**VOTE:** 3-0.

**Meeting adjourned at 6:20 P.M.**

Respectfully Submitted,

Carreanne Eyer

Administrative Assistant