



**FREDERICK COUNTY PLANNING COMMISSION**  
**April 9, 2014**

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**TITLE:** Planning Commission Consent Agenda

**FILE NUMBER:** N/A

**REQUEST:** Staff will present the concept of creating a Planning Commission consent agenda and request a Decision from the Planning Commission.

**PROJECT INFORMATION:**

ADDRESS/LOCATION: N/A

TAX MAP/PARCEL: N/A

COMP. PLAN: N/A

ZONING: N/A

PLANNING REGION: N/A

WATER/SEWER: N/A

**APPLICANT/REPRESENTATIVES:**

APPLICANT: N/A

OWNER: N/A

ENGINEER: N/A

ARCHITECT: N/A

ATTORNEY: N/A

**STAFF:** Shawna Lemonds, Planning Manager

**RECOMMENDATION:**

Staff requests a decision from the Planning Commission

**ATTACHMENTS:**

N/A

# STAFF REPORT

## ISSUE

By County Code, certain development applications (Site Development Plan Review, Subdivision, and Adequate Public Facilities) require Planning Commission review and approval. However, some of these development applications involve questions and issues that are very minor in nature. Staff recommends that the Planning Commission consider creating a consent agenda for these less complex applications in order to increase efficiency while still meeting the requirements of the County Code.

## BACKGROUND

In December of 2013, Staff presented the River Meadows Combined Preliminary/Final Subdivision Plat for review and approval by the Planning Commission. The request was to subdivide one lot from an overall 40.72 acre site within the R-3 and Resource Conservation (RC) zoning districts. The purpose of the subdivision was to create a separate lot for an existing single family residence. The property was part of several previous subdivision applications since 1965. Since more than 6 lots were created from the original 1965 parcel, the application was considered a major subdivision, requiring FCPC review and approval.

At that meeting members of the Planning Commission questioned whether applications similar to River Meadows should be approved by Staff or some other simplified process. Staff agreed, and presented the concept of creating a consent agenda. Staff noted that further research would be completed on the topic of creating a consent agenda with information presented to the Planning Commission at a later meeting.

Since that meeting, Staff has identified several development applications that may be appropriate for consent agenda approval. Full staff reports and attachments will be prepared by Staff and provided to the Planning Commission following normal procedure. However, as consent agenda items, these less complex applications would be grouped together and presented to the Planning Commission for a single motion of approval or denial. Any member of the Planning Commission could request that an individual item be removed from the consent agenda, and added to the regular agenda for full presentation and review at that or a later public meeting.

If the Planning Commission chooses to move forward with utilizing a consent agenda, Staff recommends the following list of application types be considered:

- Major subdivisions resulting in 2 or fewer lots that do not require approval of extensive subdivision modifications
- Adequate Public Facilities Ordinance (APFO) required Letter of Understanding (LOU) for a Type II Staff Level Site Development Plan Review; or any APFO LOU based on a previous conditional APFO approval that did not include a finalized LOU for execution
- Certain VC or MX Concept Plans – for example those involving one principal structure and land use, no request for increased height or increased maximum footprint
- Applications that would normally qualify for Type II Staff level Site Development Plan review where Staff has determined that the opportunity for a public meeting may be more appropriate
- Lighting modifications to a site development plan
- Modifications to a site development plan that result in an increase in the number of required parking spaces

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### Major Subdivisions Resulting 2 or Fewer Lots

As discussed above, the River Meadows subdivision is an example of a major subdivision resulting in 2 or fewer lots. The application involved the creation of one new residential single family lot from the overall property zoned R-3 and RC. The subdivision separated the existing single family residence (zoned R-3) from the remaining larger portion of the site (zoned RC). The site consisted of open yard area and abutted the Monocacy River, but no environmental features were located within the boundary of the proposed lot.

Another example of this type of application was the Weller Estates Subdivision presented to the FCPC in November of 2013. The Weller Estates subdivision was once part of a much larger tract of land, from which 32 lots were created, under several subdivision names. Since more than 6 lots were created from the original 1965 parcel, the application was considered a major subdivision, requiring FCPC review and approval. The application involved a residential lot with R-1 zoning that was divided into two lots. The lots accessed an existing cul-de-sac via an existing panhandle. The Weller Estates application did not require approval of extensive subdivision modifications.

Although both the River Meadows and Weller Estates applications required Planning Commission approval there were very limited on-lot design considerations which would necessitate extensive discussion and review in a public meeting. For these reasons, these types of applications may be appropriate for the consent agenda.

### APFO Letter of Understanding (LOU) for Type II Site Plan and previous conditionally approved APFO

There have been instances in the past where a site development plan request has been eligible for Type II staff level processing (allowed per 1-19-3.300.4 of the Zoning Ordinance), but has also required a LOU for escrow account payment. In the past this type of development review was de-coupled, with the Type II staff level review on hold until the LOU was reviewed and approved by the Planning Commission.

The LOU for Springfield Manor, presented to the Planning Commission on April 10, 2013, is an example of this type of application. On November 29, 2012 a special exception was approved by the Board of Appeals as B-12-11 in order to establish a Country Inn land use in the Agricultural zoning district. Subsequent to the special exception approval, a request was made to amend the existing approved site development plan as a Type II staff level amendment change of use from winery tasting room to Country Inn. No building expansion was proposed as part of the change of use. The change of use generated between 5am and 20pm weekday peak hour trips, which did not meet the requisite 50 peak hour trip threshold for APFO testing. However, the Applicant was required to provide fair share contributions to existing escrow accounts per 1-20-12(H) of the Frederick County Code. Staff reviewed and approved the Type II Site Development Plan request once the LOU was approved by the Planning Commission.

Occasionally an LOU is not ready for execution concurrent with a preliminary or site plan on the day that the Planning Commission finds and conditionally approves the APFO. In these instances the LOU must be put on the agenda at a subsequent hearing for approval. This is usually caused by a construction cost estimate for a new escrow account not being ready in time for the Planning Commission to make an adequacy finding. The last such case was for Urban Green, and when the LOU returned to the Planning Commission there was a staff presentation with no substantive discussion.

Staff anticipates similar applications in the near future, including a Type II staff level change of use from a restaurant to a restaurant where escrow contributions will require approval of an LOU. In the interest of streamlining the processing of these types of applications, Staff recommends that the LOU be added to the consent agenda for review rather than adding the item to the full agenda.

### VC or MX Concept Plans

In the Village Center (VC) and Mixed Use (MX) zoning districts, the Zoning Ordinance requires Concept Plan approval from the Planning Commission or its authorized representative (Staff) as the first step in the development process for those applications requiring Site Development Plan Review. The Concept Plan is intended to demonstrate the manner in which the zoning district design standards will be met by the proposed development.

Where a Type I Planning Commission Site Development Plan Review is required, but the proposed development is minimal in nature, consent agenda approval of the concept plan may be appropriate. For example, the conversion of a residential structure/land use to a commercial land use requires Type I Planning Commission approval, even where minimal or no exterior improvements are proposed. In most cases, the Zoning Ordinance only allows Staff level Site Development Plan review and approval of modifications to a Planning Commission approved site development plan. Therefore, a change of use from a residence to a commercial use would not have received prior Planning Commission approval, and would therefore be categorized as a Type I. However, in some cases these developments involve little more than parking and landscaping. In some cases, these developments involve no exterior alteration. For these reasons, consent agenda review of certain VC and MX Concept Plans may be appropriate.

### Type II for Public Meeting Purposes

Typically, Type II Site Development Plan Review and approval is conducted at staff level. However, there may be instances where Staff, or the Applicant, requests that the application be taken to Planning Commission as allowed by Section 1-19-3.300.1(C) of the Zoning Ordinance. The request for Planning Commission review may simply be for public information purposes, such as with the expansion of a County Park based on an approved Master Plan. For these items, consent agenda review may be appropriate.

### Lighting Modifications

The Zoning Ordinance currently states that the Planning Commission may approve modifications to the lighting standards in Section 1-19-6.500 based on characteristics of the proposed use, photometric studies, nationally recognized standards, or other documentation as approved. In cases where the lighting modification is minor in nature, a full presentation at the public meeting may not be necessary. For example, a Planning Commission approved site development plan may be submitted for a lighting modification such as a minor change in location, increase/reduction in height, or addition of lighting to the site while not exceeding the requirement of .50 foot candle at the property line. For these items, consent agenda review may be appropriate.

### Modification to Increase the Number of Parking Spaces

Sections 1-19-3.300.1 and 1-19-6.220(A) of the Zoning Ordinance provide for modifications to the number of parking spaces. In instances where an Applicant requests an increase in the number of spaces a consent agenda review may be appropriate.

## **RECOMMENDATION**

Staff requests a decision from the Planning Commission whether to create a consent agenda, as necessary, for review and approval of the items as discussed above.

## PLANNING COMMISSION ACTION

### MOTION TO APPROVE

Based on the information as presented in the staff report and discussed at this public meeting I move that Staff create a Planning Commission Consent Agenda, as necessary, for review of specific development activities.

