

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
July 8, 2020
Virtual Meeting

See video for further meeting details: <http://frederickcountymd.gov/5956/Video-Archives>

Members Present: Carole Sepe, Chair; Sharon Suarez, Vice-Chair; Sam Tressler, Secretary; Craig Hicks; Terry Bowie; Joel Rensberger; Michael Sowell

Staff Present: Steve Horn, Division Director; Gary Hessong, Permits and Inspections Director; Mike Wilkins, Development Review Director; Kathy Mitchell, Senior Assistant County Attorney; Ron Burns, Transportation Engineering Manager; Jerry Muir, Principal Planner; Cody Shaw, Principal Planner; and Pattie Wolfgang, Administrative Specialist

The meeting was called to order at 9:30 am

1. PLEDGE OF ALLEGIANCE

2. PLANNING COMMISSION COMMENTS

Ms. Sepe welcomed Michael Sowell; as this was his first official meeting as a member of the Planning Commission. She mentioned that she was very pleased with the June 24th Planning Commission workshop that was held to discuss two of the legislative bills that are being heard today. She found it very helpful and hoped that workshops can continue.

3. AGENCY COMMENTS / AGENDA BRIEFING

Mr. Horn agreed with Ms. Sepe that the June 24th workshop was beneficial and time well spent.

4. LEGISLATION

- a) *Bill 20-08* – To amend Chapter 1-21 of the Frederick County Code (Forest Resource Ordinance) to increase forest conservation efforts.

Staff Presentation:

Mike Wilkins, Director, Development Review and Planning

Mr. Wilkins noted that staff had presented this bill before the Planning Commission in March of this year, prior to the COVID-19 outbreak; but due to the virus, the time expired on the bill and the process had to be started over. He added that there were approximately 102 emails received in public support of the bill.

Public Comment:

Noel Manalo, Miles & Stockbridge, (on behalf of Cromwell Investments & Hutzell/Delauter Families)

Ben Alexandro (Maryland League of Conservation Voters)

Eric Soter (on behalf of Land Use Council)

Decision: Motion #1: Mr. Hicks moved to recommend approval of FRO Bill 20-08 as written. Ms. Suarez 2nd.

<u>VOTE</u>	<u>6-1-0-0</u>
FOR:	6 – Hicks, Suarez, Sepe, Tressler, Rensberger, Sowell
AGAINST:	1 – Bowie
ABSTAIN:	0
ABSENT	0

Motion #2: Mr. Rensberger then made a motion to recommend adding language protecting previous project applications that were submitted and under review prior to the enactment of the amendment. Ms. Suarez 2nd.

<u>VOTE</u>	<u>7-0-0-0</u>
FOR:	7 – Rensberger, Suarez, Sepe, Tressler, Hicks, Bowie, Sowell
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

Motion #3: Ms. Sepe then made a motion to recommend going back to the State to consider continuing further review of this process of afforestation. Ms. Suarez 2nd.

<u>VOTE</u>	<u>5-0-0-0</u>
FOR:	5 – Sepe, Suarez, Hicks, Rensberger, Sowell
AGAINST:	2 – Tressler, Bowie
ABSTAIN:	0
ABSENT:	0

- b) *Bill 20-07* – To amend Chapter 1-19 of the Frederick County Code (Zoning Ordinance) to update and clarify transportation, environmental resource protection, and historic preservation criteria on rezoning requests.

Staff Presentation:

Mike Wilkins, Director, Development Review and Planning

Public Comment:

Ben Alexandro

Eric Soter

Decision: Motion #1: Mr. Rensberger made a motion to recommend approval of Zoning Ordinance Bill 20-07 as written. Ms. Suarez 2nd.

<u>VOTE</u>	<u>4-3-0-0</u>
FOR:	4 – Rensberger, Suarez, Bowie, Sowell
AGAINST:	3 – Sepe, Tressler, Hicks
ABSTAIN:	0
ABSENT:	0

Motion #2: Mr. Hicks then made a motion to recommend modifying the language in §1-19-10.500.4(b) to clarify who is included in the notification and to specify property owners not represented by an HOA, whose property is within a 5 mile radius of the subject property, as well as the Council members whose District includes the subject property. Ms. Suarez 2nd.

<u>VOTE</u>	<u>7-0-0-0</u>
FOR:	7 – Hicks, Suarez, Sepe, Hicks, Bowie, Rensberger, Sowell
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

Motion #3: Ms. Sepe then made a recommendation that the Council consider revisiting or reducing the 5 mile radius in the notification property owners. Ms. Suarez 2nd.

<u>VOTE</u>	<u>5-0-0-0</u>
FOR:	7 – Sepe, Suarez, Tressler, Bowie, Sowell
AGAINST:	2 – Hicks, Rensberger
ABSTAIN:	0
ABSENT:	0

Motion #4: Ms. Sepe then made a recommendation to remove commercial designation in §1-19-10-500.6(h) and §1-19-10.500.5(b)6 referring to non-residential components in both MXD and PUD. Ms. Suarez 2nd.

<u>VOTE</u>	<u>6-0-1-0</u>
FOR:	6 – Sepe, Suarez, Tressler, Hicks, Bowie, Sowell
AGAINST:	0
ABSTAIN:	1 - Rensberger
ABSENT:	0

Motion #5: Ms. Sepe then made a recommendation to add clarification on grandfathering zoning map amendments that are already submitted. Mr. Rensberger 2nd.

<u>VOTE</u>	<u>6-1-0-0</u>
FOR:	6 – Sepe, Rensberger, Suarez, Tressler, Bowie, Sowell
AGAINST:	1 - Hicks
ABSTAIN:	0
ABSENT:	0

Motion #6: Ms. Sepe then made a recommendation changing language in both §1-19-10.500.5(b)6 and §1-19-10.500.6(h), specifically exempting housing for public purposes and Master Plan roadways. Ms. Suarez 2nd.

<u>VOTE</u>	<u>6-0-1-0</u>
FOR:	6 – Sepe, Suarez, Tressler, Bowie, Rensberger, Sowell
AGAINST:	0
ABSTAIN:	1 - Hicks
ABSENT:	0

Motion #7: Ms. Sepe then made a recommendation of clarification of specific view shed guidelines in §1-19-10.500.5(h)8. Mr. Hicks 2nd.

VOTE 7-0-0-0

FOR: 7 – Sepe, Suarez, Tressler, Hicks, Bowie, Rensberger, Sowell

AGAINST: 0

ABSTAIN: 0

ABSENT: 0

- c) *Bill 20-10* – To revise and clarify requirements for approval and construction of Accessory Dwelling Units (ADUs).

Staff Presentation:

Gary Hessong, Director, Permits and Inspections

Public Comment:

None

Decision: Motion #1: Mr. Hicks made a motion to recommend approval of ADU Bill 20-10 as written. Mr. Rensberger 2nd.

VOTE 7-0-0-0

FOR: 7 – Hicks, Rensberger, Sepe, Suarez, Tressler, Bowie, Sowell

AGAINST: 0

ABSTAIN: 0

ABSENT: 0

Motion #2:

Ms. Suarez then made a recommendation that in section G, page 1, the branded name of a short-term residential vendor, Airbnb or broker not be used; and consider using either vacation-stay, short-term residential rental (STRR), or something similar in lieu of any branded term. Mr. Hicks 2nd.

VOTE 7-0-0-0

FOR: 7 – Suarez, Hicks, Sepe, Tressler, Bowie, Rensberger, Sowell

AGAINST: 0

ABSTAIN: 0

ABSENT: 0

The following Rutter's item was continued from the March 11, 2020 meeting

5. SITE PLAN

- a) *Rutter's Store #88 – New Market* – The Applicant requested Site Plan approval to construct a new 8,427 s.f. convenience store and automobile filling station with 20 gas pumps and an accessory car wash on a 12.2 acre lot. Located on the northeast corner of MD 144 and Mussetter Road. Tax Map: 79, Parcel: 20; Zoned: General Commercial (GC); Planning Region: New Market
SP92-03 (A/P#19301, APFO#19302, FRO#19303)

Staff Presentation:

Jerry Muir, Principal Planner

Applicant Presentation / Rebuttal:

Brian Johnson, Warehaus; Tim Bieber, Rutter's; Tom Austin, TRG Consultants

Public Comment:

The record for Public Comment was closed on March 16, 2020 at 9:30 a.m.

Decision: Motion #1: Mr. Hicks made a motion to deny the Rutter's Store #88 Site Plan. The Site Development Plan as proposed, does not adequately minimize the negative impact on the existing surrounding land uses. Mr. Rensberger 2nd.

<u>VOTE</u>	<u>3-3-0-1</u>
FOR:	3 – Hicks, Rensberger, Bowie
AGAINST:	3 – Sepe, Suarez, Tressler
ABSTAIN:	0
RECUSED:	1 - Sowell

Motion #2: Mr. Tressler then made a motion to approve the Rutter's Store #88 Site Plan including APFO and modifications and conditions as listed in the staff report. Ms. Suarez 2nd.

Ms. Sepe amended the motion to add the correct the following issues:

- Revise/update the traffic table on SP1 so that the LOU matches
- Revise the Letter of Understanding so that the correct date is updated to 2019
- The water service should be W-3, not S-3
- Add sign lighting to the Photometric
- Sign should be reduced to no more than 18 feet
- Add "No Parking" signs on Mussetter Road
- No overnight parking on the vacant portion of the site as well as within the site, especially toward the vacant lot
- No truck right-hand turn as determined by the Division of Public Works
- Traffic calming signage to Mussetter Road before the 2nd entrance as determined by the Division of Public Works

Mr. Tressler and Ms. Suarez agreed to the amended motion.

<u>VOTE</u>	<u>3-3-0-1</u>
FOR:	3 – Tressler, Suarez, Sepe
AGAINST:	3 – Hicks, Bowie, Rensberger
ABSTAIN:	0
RECUSED:	1 – Sowell

Due to a tie votes, the Rutters Site Development Plan was not approved.

At this time, Mr. Tressler left the meeting.

- b) *Frederick Auto Care* – The Applicant requested Site Plan approval for a 1,900 s.f. automobile repair/service shop on a 0.78 acre site. Located at 9827 Hansonville Road, Frederick, Maryland. Tax Map: 48, Parcel: 36; Zoned: General Commercial (GC); Planning Region: Frederick County Government SP90-24A (A/P#20067, APFO#20060, FRO#20068)

Staff Presentation:

Cody Shaw, Principal Planner

Applicant Presentation:

Bill Brennan, B&R Design Group; Babak Banan, Applicant

Public Comment:

None

Decision: Mr. Rensberger made a motion to approve the Site Plan with conditions as listed in the staff report, including curb closures. Ms. Suarez 2nd.

<u>VOTE</u>	<u>6-0-0-1</u>
FOR:	6 – Rensberger, Suarez, Sepe, Hicks, Bowie, Sowell
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 - Tressler

- c) *William F. Moran, Jr. Museum* – The Applicant requested Site Plan approval to construct a new 3,200 s.f. building to be used as a commercial school or education program and an 800 s.f. museum on a 1.3 acre lot. Located at the intersection of Hollow Road and Old National Pike. Tax Map: 65, Parcel: 63; Zoned: General Commercial (GC); Planning Region: Middletown SP03-10 (A/P#19276, APFO#19278, FRO#19279)

Staff Presentation:

Cody Shaw, Principal Planner

Applicant Presentation:

Bill Brennan, B&R Design Group; Robert Wilson, Applicant

Public Comment:

None

Decision: Ms. Suarez made a motion to approve Site Plan with modifications and conditions as listed in the staff report. Mr. Rensberger 2nd.

VOTE 6-0-0-1
FOR: 6 – Suarez, Rensberger, Sepe, Hicks, Bowie, Sowell
AGAINST: 0
ABSTAIN: 0
ABSENT: 1 - Tressler

Meeting adjourned at 6:00 pm
Respectfully Submitted,



Carole Sepe, Chair

08/19/20

Date