

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
January 12, 2022
Virtual Meeting

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

Members Present: Sam Tressler, Chair; Craig Hicks, Vice-Chair; Joel Rensberger, Secretary; Carole Sepe and Michael Sowell.

Members Absent: Terry Bowie

Staff Present: Mike Wilkins, Director, Development Review and Planning; Kimberly Golden Brandt, Livable Frederick Director; Kathy Mitchell, Senior Assistant County Attorney; Mark Mishler, Traffic Engineer; Ashley Moore, Senior Planner; Jerry Muir, Principal Planner; Cody Shaw, Principal Planner, Shannon O'Neil, Planner, Ag Preservation and Karen James, Administrative Specialist

The meeting was called to order at 9:30 a.m.

1. PLEDGE OF ALLEGIANCE Mr. Tressler

2. ROLL CALL Mr. Tressler

3. MINUTES TO APPROVE – November 17, 2021

Mr. Hicks motioned to approve the minutes as submitted; Ms. Sepe, 2nd.

<u>VOTE</u>	<u>3-0-1-2</u>
FOR:	3 - Tressler, Sepe, Hicks
AGAINST:	0
ABSTAIN:	1 - Rensberger
ABSENT:	2 - Bowie, Sowell (Sowell absent at time of vote)

Mr. Rensberger pointed out that he abstained from the vote, questioned if they had a quorum with his abstention. Ms. Sepe agreed. Ms. Mitchell believed that they did have a quorum in accordance with the Rules of Procedure, but would check.

4. PLANNING COMMISSION COMMENTS

Mr. Tressler said the Zoning Map Amendment Applications-Review of Roles and Procedures would be moved to the February 9th, 2022 meeting. Correspondence was received asking to delay Item 6c, Key City Compost, to accommodate an attorney who wished to cross exam. Item was moved to the last item on the agenda with Planning Commission members in agreement.

Mr. Sowell entered the meeting and thanked David Angel for his letter regarding the Draft Sugarloaf Treasured Landscape Management Plan.

5. AGENCY COMMENTS / AGENDA BRIEFING

Mr. Wilkins provided the viewing and listening audience with instructions for providing public comment during the meeting. He then briefed all on upcoming scheduled meetings.

Mr. Hicks asked if there was an update on the appointment of another planning commissioner. Mr. Wilkins responded that administration is reviewing potential candidates.

Mr. Hicks then suggested approving the minutes again, with Mr. Sowell present.

Mr. Hicks motioned to approve the minutes as submitted; Ms. Sepe, 2nd.

VOTE	4-0-1-1
FOR:	4 - Tressler, Sepe, Hicks, Sowell
AGAINST:	0
ABSTAIN:	1 - Rensberger
ABSENT:	1 - Bowie

6. SITE PLANS

- a) *Century View; Heritage Liquors* - The Applicant is requesting Site Plan approval to construct a 6,102 sq. ft. liquor store on the final parcel of the Century View subdivision, 4334 Old National Pike. TM 65, P 82, General Commercial. Planning Region: Middletown SP266319, FRO F266320, APFO A266321
Jerry Muir, Principal Planner

Staff Presentation:

Jerry Muir

Applicant Presentation:

Bruce Dean, McCurdy, Dean & Graditor, LLC
Bill Brennan, B & R Design Group
Evelyn Holmes, applicant

Mr. Hicks had questions about signage, billboard and lighting, and its impact. Mr. Muir felt that the wooded lot between the residential sites and billboard would provide screening and that the billboard would be more focused on Old National Pike. Mr. Rensberger had a question about adding a wheel-stop where the loading zone ends. Mr. Mishler said there is curbing but if the Commission felt there should be a wheel-stop he felt that "the applicant would oblige that." Mr. Rensberger said the applicant could address this question.

Ms. Sepe asked about the billboard location with regard to the proposed well. She inquired about the number of street trees and confirmed that there is an existing access drive. Mr. Sowell asked about the tree planting. Mr. Muir said dogwood trees are smaller than the normal street tree, but here they would work well. Mr. Sowell also asked about fire truck and emergency vehicle access.

Mr. Brennan answered questions posed by the Planning Commission.

Public Comment: None

Mr. Hicks said he believed this is a good example of thoughtful consideration of the National Historic Road guidelines which are addressed more than adequately in the report. Mr. Rensberger was in agreement. Ms. Sepe had further comments about the location of the billboard. Mr. Brennan and Mr. Wilkins responded.

Mr. Rensberger motioned to approve SP266319, APFO A266321, FRO F266320

including APFO approval for the conditions as listed in the staff report for the proposed Heritage Liquors at Century View Development based on the findings and conclusions of the staff report and the testimony, exhibits and documentary evidence produced at the public meeting. Mr. Hicks, 2nd.

<u>VOTE</u>	<u>5-0-0-1</u>
FOR:	5 - Tressler, Sepe, Hicks, Sowell, Rensberger
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 - Bowie

- b) Lot 12, Stanford Industrial Park, Section II - The Applicant is requesting Site Plan approval to construct a 10,000 sq. ft. limited manufacturing and assembly facility with an additional 2,000 sq. ft. office on 3.09 acres. Location: 4870 Winchester Blvd. TM 94 P89 Zoning Limited Industrial (LI Adamstown Planning Region SP 266549 FRO F266548
Jerry Muir, Principal Planner

Staff Presentation:

Jerry Muir

Applicant Presentation:

Lee Miller, Terra Solutions Engineering
Matt Poffenbarger, Rupert Properties

Mr. Rensberger asked about a retaining wall illustrated on the plan, then said he would wait and ask this of the applicant. Ms. Sepe asked Mr. Mishler about the site distance being 530 feet on the west side along Winchester Boulevard. Mr. Mishler responded that the site distance is adequate, it is not blocked by any trees.

Mr. Miller addressed the comments made by Planning Commission members. He explained storm water management and storm water outfall. Mr. Hicks asked about the gravel access road and the purpose of the road. Mr. Miller said the access road is for maintenance of the storm water management facility.

Public Comment: None

Mr. Hicks motioned to approve SP266549, FRO266548 subject to the conditions listed in the staff report for the proposed manufacturing and assembly facility, based on the findings and conclusions of the staff report and the testimony, exhibits and documentary evidence produced at the public meeting. Mr. Rensberger, 2nd.

Ms. Sepe then asked about APFO approval; Mr. Wilkins responded.

<u>VOTE</u>	<u>5-0-0-1</u>
FOR:	5 - Tressler, Sepe, Hicks, Sowell, Rensberger
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 - Bowie

7. FY-2022 IPP EASEMENT APPLICATIONS REVIEW

Staff will present 24 applications submitted for the FY-2022 Installment Purchase Program (IPP) funding cycle for the purchase of preservation easements. Application File Numbers: IPP#22-01 through IPP#22-24. The request is for a finding of consistency with the County Comprehensive Plan.

Anne Bradley, Land Preservation Administrator

Staff Presentation:

Shannon O'Neill, Planner, Ag Preservation

Ms. O'Neill gave a brief history of the Frederick County Installment Purchase Program (IPP) and presented the 24 applications to the Planning Commission. The 24 applications encompass 3,100 acres.

Mr. Hicks questioned #22-04, asking if it needed to be preceded by a rezoning case. Ms. Sepe expressed the same concern feeling that it was consistent with the policies of Livable Frederick, but not consistent with the map. Ms. Mitchell expressed that the important thing is that it does not violate the plan. As long as these properties don't violate something in the comprehensive plan they it can be found consistent with the plan. There was further discussion of #22-04. Ms. Sepe also expressed concerns with #22-05 and #22-06. Following additional discussion, Ms. Sepe asked if they could vote on the three, separate from the rest.

Ms. Sepe motioned that the Planning Commission find the FYI 2022 Frederick County Installment Purchase Program (IPP) applications 22-01, 22-02, 22-03, 22-06, 22-07, 22-08, 22-09, 22-10, 22-11, 22-12, 22-13, 22-14, 22-15, 22-16, 22-17, 22-18, 22-19, 22-20, 22-21, 22-22, 22-23, 22-24 consistent with the County Comprehensive Plan as listed in the staff report, based on the findings and conclusions of the staff report and the testimony exhibits on documentary evidence produced at the public meeting.

She then asked about public comment.

Public Comment: None

Mr. Rensberger then seconded the motion.

<u>VOTE</u>	<u>5-0-0-1</u>
FOR:	5 - Tressler, Sepe, Hicks, Sowell, Rensberger
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 - Bowie

There was further discussion. It was pointed out that 22-06 was included in the motion. Ms. Sepe amended her motion, removing 22-06. Mr. Rensberger 2nd.

<u>VOTE</u>	<u>5-0-0-1</u>
FOR:	5 - Tressler, Sepe, Hicks, Sowell, Rensberger
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 - Bowie

Applications 22-04, 22-05 and 22-06 were further discussed. Mr. Rensberger said he had no issues with 22-04 and 22-05, but said that 22-06 seemed to be a less than ideal candidate for agricultural preservation and asked if the community growth boundary is surrounding that parcel. He stated that his position is pro agricultural preservation but perhaps the next parcel that applies is a better candidate than this one. Mr. Sowell expressed that if the property owner is willing to do it, he saw no reason not to support it. Discussion of the three applications continued.

Mr. Rensberger motioned that the Planning Commission find the Fiscal Year 2022 Frederick County Installation Purchase applications 22-04 and 22-05 consistent with the County Comprehensive Plan as listed in the staff report, based on the findings and conclusions of the staff report and the testimony exhibits and documentary evidence produced at the public meeting. Ms. Sepe, 2nd.

VOTE	5-0-0-1
FOR:	5 - Tressler, Sepe, Hicks, Sowell, Rensberger
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 - Bowie

Mr. Tressler asked about application 22-06, and asked if there a motion. Hearing none, discussion continued.

Ms. Mitchell suggested that the Planning Commission might be going beyond their duty or responsibility. If it is consistent with the comprehensive plan, that's the only question. County Council will have a public hearing and the ultimate decision is made by the County Executive.

Ms. Sepe stated that she would find it inconsistent with the Comprehensive Plan.

Mr. Tressler said he would entertain a motion.

Mr. Hicks motioned that the Planning Commission find the Fiscal Year 2022 Frederick County Installation Purchase application 22-06 consistent with the County Comprehensive Plan. Mr. Sowell, 2nd.

VOTE	3-2-0-1
FOR:	3 - Tressler, Hicks, Sowell
AGAINST:	2 - Rensberger, Sepe
ABSTAIN:	0
ABSENT:	1 - Bowie

Meeting adjourned for lunch break at 12:04 p.m.

Meeting resumed at 12:45 p.m.

6. SITE PLAN (moved from morning session)

- c) Key City Compost - The Applicant is requesting Site Plan approval for the establishment of a limited food waste composting facility on a 5.95-acre Site within a 29-acre parcel. Located on the south side of Lakeview Road. Tax Map: 40, Parcel 94; Zoned: Agricultural; Planning Region: Frederick
SP19-17 (AP# 19894)
Cody Shaw, Principal Planner

Staff Presentation:

Cody Shaw

Applicant Presentation:

Richard Jefferies, owner

Phil Westcott

Jorge Montezuma

John Fearington

Mr. Shaw read into the public record staff requirements not listed in the staff report. Mr. Wilkins corrected a reference to the Maryland Historic National Road Guidelines.

Mr. Hicks asked what distinguishes limited food waste composting from other composting operations. Ms. Sepe asked about the height of the compost piles. She also asked about the trees to be planted; and the smell that may come from the facility. Mr. Sowell asked if there would be fencing or anything to monitor the facility. Mr. Hicks questioned traffic, to which Mr. Mishler responded there is good circulation.

Ms. Mitchell provided the instructions for cross examination.

Michele Rosenfeld, The Law Office of Michele Rosenfeld LLC, thanked the Planning Commission for altering the order of the agenda to accommodate her schedule. She then began cross-examination of staff.

Mr. Jefferies addressed the Planning Commission, responding to their concerns, including odor. Mr. Westcott responded as well. Mr. Hicks asked Mr. Westcott about permits that will be required. Mr. Montezuma fielded questions about the composting process. Mr. Fearington talked about required periodic testing. Mr. Sowell continued with questions about noise and vibration and what mechanisms are in place to monitor those concerns.

Ms. Rosenfeld then cross-examined the applicant presenters.

Public Comment:

Live call-ins: 5

Recorded messages: 2

Ms. Rosenfeld followed up public comment with a statement. Mr. Wilkins then asked if he could, for the record, make some clarifying comments with regard to Ms. Rosenfeld's statement.


Mr. Hicks asked if there was any evidence of prior complaints regarding odor, noise and vibration and continued that discussion with Ms. Rosenfeld.

The applicant was given an opportunity for rebuttal. Mr. Jefferies talked about taking a tour of a similar facility and his vision for this facility. Ms. Sepe explained that as a planning commissioner, her role is to determine whether or not they are following the zoning ordinance, and in her view, this follows the zoning ordinance.

Ms. Sepe motioned to approve SP1917, AP19894, including FRO19896 and APFO19895 with conditions as listed in the staff report for the proposed Key City Compost at Utica Bridge Farm based on the findings and conclusions of the staff report and the proffer by the Applicant to establish limiting hours of grinding operations and the testimony, exhibits and documentary evidence produced at the public meeting. Mr. Sowell, 2nd.

<u>VOTE</u>	<u>4-0-0-2</u>
FOR:	4 - Tressler, Sepe, Hicks, Sowell
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Bowie, Rensberger

Meeting adjourned at 3:39 p.m.


Samuel G. Tressler III, Chair

3/9/22
Date