

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
February 16, 2022
Virtual Meeting

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

Members Present: Sam Tressler III, Chair; Craig Hicks, Vice-Chair (joined meeting at 10:54 a.m.); Joel Rensberger, Secretary (exited the meeting at 10:41 a.m.); Carole Sepe; Michael Sowell and Robert White, Jr.

Members Absent: Terry Bowie

Staff Present: Mike Wilkins, Director, Development Review and Planning, Kimberly Golden Brandt, Livable Frederick Director; Steve Horn, Division Director; Kathy Mitchell, Senior Assistant County Attorney; Denis Superczynski, Livable Frederick Planning Manager; Tim Goodfellow, Livable Frederick Environmental Planner; Tolson DeSa, Zoning Administrator, Development Review and Planning; and Karen James, Administrative Specialist

The meeting was called to order at 9:30 am.

1. **PLEDGE OF ALLEGIANCE** Mr. Tressler

2. **ROLL CALL** Mr. Tressler

3. **PLANNING COMMISSION COMMENTS**

None

4. **AGENCY COMMENTS/AGENDA BRIEFING**

Ms. Brandt reviewed the dates and topics of the upcoming March meetings, as well as the possible addition of a meeting to focus on the draft Sugarloaf Plan, pending the availability of Video Services. Mr. Rensberger asked if there was a plan to return to in-person meetings. Ms. Brandt said that staff hopes to have an answer soon. Mr. White said it would be nice to have the option of in-person or virtual as some may be more susceptible to COVID than others.

5. **LEGISLATION**

- a) *Bill 22-03* – Amendments to Chapter 1-19 of the Frederick County Code (Zoning Ordinance) to Update Certain Definitions Related to Agricultural Uses.

Presentation:

Michael Wilkins, Director, Department of Development Review and Planning
Tolson DeSa, Zoning Administrator, Department of Development Review and Planning

Mr. Wilkins explained the updated definitions and the reasons for these updates, including removal of outdated information. He also answered questions presented by Planning Commission members.

Public Comment: None

Decision: Mr. White moved that the County Council should consider adopting the subject bill to amend Chapter 1-19 of the Frederick County Code Zoning Ordinance to amend the identified definitions. Mr. Rensberger, 2nd.

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

- b) *Bill 22-05* – Amendments to Chapter 1-19 of the Frederick County Code (Zoning Ordinance) to Add Critical Digital Infrastructure as a New Use.

Presentation:

Michael Wilkins, Director, Department of Development Review and Planning

Mr. Wilkins explained that as a new use, the bill would establish two new uses that will facilitate the data center approval process. The bill establishes minimum lot sizes, setbacks and building heights, and minimum design criteria. The bill also proposes the establishment of an architectural review committee.

Mr. White shared a concern about nonconforming grandfathered use if there is a change of owners. Ms. Sepe also expressed her concerns. Mr. Wilkins continued to explain the zones and permitted uses, saying the bill would have no impact on the two existing facilities. It would not make them more compliant or less compliant with the zoning. He answered additional questions presented.

Public Comment: None

Decision: Mr. Rensberger moved that the Frederick County Planning Commission recommend that the County Council introduce, consider, and approve this bill to amend Chapter 1-19 of the Frederick County Code to establish critical digital infrastructure uses. Mr. White, 2nd.

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

- c) *Bill 22-06* – Amendments to Chapter 1-19 of the Frederick County Code (Zoning Ordinance) to Revise and Clarify the Notification Requirements for Comprehensive Zonings and Rezoning.

Presentation:

Kimberly Golden Brandt, Director, Livable Frederick Planning and Design Office

Ms. Brandt shared the history of the Zoning Ordinance requirement for the posting of signage on any property proposed for rezoning, explaining that there was not a

distinction made between individual rezonings and comprehensive rezoning initiated by the County. This bill gives the County flexibility. In the case of County-initiated comprehensive rezoning, the County may post signs at intervals deemed appropriate to be most readily seen by the public rather than on every property.

There was discussion of Planning Commission review of a signage plan. It was decided that this would be incorporated into the Commission's Rules of Procedure.

Public Comment: None

Decision: Mr. Rensberger moved that the Frederick County Planning Commission recommend that the rezoning notification requirements be amended to allow greater flexibility with sign posting in the case of comprehensive rezoning and that the Planning Commission Rules of Procedure be amended to include Planning Commission review of a signage plan and public comment where applicable. Mr. White, 2nd. Ms. Mitchell reminded all that the first motion should be on the bill as written. Mr. Rensberger then restated his motion.

Mr. Rensberger moved that the Frederick County Planning Commission recommend that the rezoning notification requirements be amended to allow greater flexibility with sign posting in the case of comprehensive rezoning. Mr. White, 2nd.

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

Mr. Rensberger then moved that if this bill should pass, the Planning Commission further recommends a revision to the Rules of Procedure to incorporate Planning Commission review and public comment on signage plans associated with County-initiated comprehensive rezoning. Ms. Sepe, 2nd.

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

Break at 10:41 a.m.

Mr. Rensberger exited the meeting at 10:41 a.m. (Recused – Sugarloaf)

Meeting resumed at 10:50 a.m.

Mr. Hicks entered the meeting at 10:54 a.m.

6. DRAFT SUGARLOAF TREASURED LANDSCAPE MANAGEMENT PLAN WORKSHOP

Ms. Brandt offered a review of the last workshop (#7) and actions taken, including voting on the land use and zoning changes that were recommended by staff.

Mr. Goodfellow then began his presentation of land use and zoning changes recommended for the northern area (to the Monocacy River) that was recently added to the planning area. He answered questions posed by Mr. White, Ms. Sepe, and Mr. Sowell.

Mr. Hicks moved the Planning Commission recommend that Resource Conservation Zoning be applied as per the staff recommendation on this part of the Sugarloaf Treasured Landscape planning area. Mr. White, 2nd.

<u>VOTE</u>	<u>4-1-0-2</u>
FOR:	4 - Tressler, Hicks, White, Sowell
AGAINST:	1 - Sepe
ABSTAIN:	0
ABSENT:	2 - Rensberger, Bowie

Mr. Hicks then moved the Planning Commission also recommend adoption of the staff recommended land use designation as shown by Mr. Goodfellow. Mr. White, 2nd.

<u>VOTE</u>	<u>4-1-0-2</u>
FOR:	4 - Tressler, Hicks, White, Sowell
AGAINST:	1 - Sepe
ABSTAIN:	0
ABSENT:	2 - Rensberger, Bowie

Ms. Brandt then talked about creating a new Rural Legacy area or expanding an existing Rural Legacy area, explaining that it involves working closely with the Maryland Department of Natural Resources (DNR). Part of the process with DNR is community education and outreach. Staff recommends moving forward with Initiative 4G, but not including a map in the plan.

Ms. Sepe moved to revise Initiative 4G to say, "Pursue the proposed expansion of the Carrollton Manor Rural Legacy area." Mr. Hicks, 2nd but suggested adding to not provide a specific map of the expansion area. Mr. White asked if there was a better word than pursue. Ms. Sepe agreed and then moved that Initiative 4G be to "study" a proposed expansion of the Carrollton Manor Rural Legacy area and that there be no map showing any expansion of the Carrollton Manor Rural Legacy area in the Sugarloaf Plan. Mr. Hicks 2nd.

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

Mr. Goodfellow then began a review of the overlay text, including items agreed upon at the previous workshop and outstanding items for consideration. Planning Commission members discussed the definition of a building's footprint.

Mr. Hicks moved the Planning Commission approve the text changes proposed by staff on this slide [A-19, Draft Plan], as well as, a change to the definition of building footprint as discussed by the Planning Commission members during this meeting. Mr. White 2nd.

<u>VOTE</u>	<u>4-1-0-2</u>
FOR:	4 - Tressler, Hicks, White, Sowell
AGAINST:	1 - Sepe
ABSTAIN:	0
ABSENT:	2 - Rensberger, Bowie

Mr. Goodfellow continued his presentation, moving on to the topic of agritourism. Members discussed the definition of agritourism; Mr. Goodfellow offered clarification of the definition.

Mr. White moved the Planning Commission approve the section of the overlay text on agritourism [A-21, Draft Plan]. Mr. Hicks 2nd.

<u>VOTE</u>	<u>4-1-0-2</u>
FOR:	4 - Tressler, Hicks, White, Sowell
AGAINST:	1 - Sepe
ABSTAIN:	0
ABSENT:	2 - Rensberger, Bowie

Mr. Goodfellow then reviewed uses recommended for prohibition in the Sugarloaf Rural Heritage Overlay Zoning District.

Mr. Hicks moved the Planning Commission approved the recommended text on this slide [Page A-21 Draft Plan] as is, without any deletion. Mr. White 2nd.

<u>VOTE</u>	<u>4-1-0-2</u>
FOR:	4 - Tressler, Hicks, White, Sowell
AGAINST:	1 - Sepe
ABSTAIN:	0
ABSENT:	2 - Rensberger, Bowie

Mr. Goodfellow then said he would share additional maps to review, to allow a decision to be made on the overlay. There was additional discussion by Ms. Sepe and Mr. White, including why some members of the public may be against the overlay. Mr. Hicks said he would like to hear more public comment, specifically from people who own property in the planning area.

Ms. Brandt suggested additional dates to meet and receive public comment. Ms. Sepe said it would be a good idea to receive public comment on March 2.

Lunch break taken at 12:33 p.m. Meeting resumed at 1:15 p.m.

Ms. Brandt confirmed that the members wish to meet on March 2 to receive public comment on the proposed overlay, to be followed by discussion and decision.

Mr. Goodfellow returned to his presentation. Maps were shown distinguishing public lands from private land owned by Stronghold, Incorporated. Mr. Goodfellow explained the addition of a new use to the zoning ordinance – Private Park – and the provisions that would apply to Private Parks in the Resource Conservation District. Mr. White asked what “maintained in a natural landscape condition” means and could there be an opportunity to take advantage of this wording. Ms. Sepe asked to revisit accessory uses. Private Park discussion continued. The definition of Rustic Retreat was provided by Mr. Goodfellow, leading to additional discussion of lodges, cabins, and other structures.

Mr. Sowell moved the Planning Commission accept the Private Park definitions as presented by staff [1-19-11.100]. Mr. Hicks 2nd.

<u>VOTE</u>	<u>4-1-0-2</u>
FOR:	4 - Tressler, Hicks, White, Sowell
AGAINST:	1 - Sepe
ABSTAIN:	0
ABSENT:	2 - Rensberger, Bowie

Mr. Tressler said the March 2 meeting will be very important as action will be taken on the overlay.

Ms. Brandt asked if there was a decision on whether or not to include an initiative to explore creation of a new zoning district for Sugarloaf Mountain, the Stronghold lands. Mr. Hicks said he was inclined to look at working with a use versus a new zoning district. Mr. White and Mr. Sowell were in agreement.

There was no additional discussion.

Mr. Tressler declared the meeting adjourned at 2:19 p.m.



Samuel G. Tressler III, Chair

4/13/22

Date